



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

234

**CRM-M-16486-2025(O&M)
Decided on : 08.04.2025**

ABHIMANYU

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Shivansh Malik, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

Mr. Aaryan Suri, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)**CRM-14266-2025**

This is an application for placing on record the affidavit of respondent No.2 as Annexure A-1.

2. Heard. For the reasons mentioned in the application, the same is allowed and Annexure A-1 is taken on record subject to all just exceptions.

CRM-M-16486-2025

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.0415 dated 22.11.2024 under Sections 123, 319 and 70(1) of BNS, registered at Police Station Sampla, District Rohtak.

2. The translated version of the FIR is reproduced below:-

“To SHO Sir, Police Station Sampla. Respected Sir, I wish to state that I am Sumedha daughter of Diwan Singh resident of village Sulodha Jhajjar. Yesterday I was partying at JANNAT BAR LOUNGE with my BOYFRIEND and his friend of my own free will. We had also consumed alcohol. While returning from there, we



stopped the car on the road and danced. First, and then his friend forcibly assaulted me in the car. I was not conscious enough to stop him, but this happened against my will. After that, when I regained consciousness, I was alone in a hotel room without clothes. Then Abhimanyu, my BOYFRIEND, came to my room and he also wrongfully assaulted me. He made me SMOKE something that had something mixed in it. Then I regained consciousness in the morning. In the morning, when I talked about all this, he denied it. Then when I said I wanted to go back, he asked me to stay, but I left the hotel on my own. Legal action should be taken against him. ”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the prosecutrix, who was in a consensual relationship with the petitioner. He further submits that as per the MLR, there are no injuries on the person of the prosecutrix. Now, the matter has been amicably settled between the parties, which can be evinced from the affidavit of the complainant annexed at Annexure A-1, on the basis of which even a petition for the quashing of the FIR, bearing No.CRM-M-13259-2025, has been filed. The said petition is pending before the Co-ordinate Bench of this Court, wherein proceedings before the trial court have been stayed. He further submits that the petitioner has undergone an actual custody of 04 months and 15 days and there is no other case registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 04 months and 15 days and there is no other case registered against him. He on instructions submits that challan was presented on 21.01.2025. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.



5. Heard the rival submissions made by learned counsel for the parties.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 23.11.2024. The matter stands compromised as per the affidavit of respondent No.2(Annexure A-1), wherein it is categorically stated that she does not want to pursue the above-said FIR. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the



offence of which he is accused of, or for commission of which he is suspected.

- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

08.04.2025

Kavita Nain

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No