



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-18520-2025
Date of Decision : 13.05.2025

SURAJ SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pranshul Dhull, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.371 dated 14.10.2024, under Sections 376(2) (n), 506 of IPC, Section 6 of POCSO Act and Section 67-C of the IT Act, registered at Police Station Shivaji Nagar, District Gurugram.

2. The contents of the aforesaid FIR are reproduced herein below:-

“The brief facts of the case are as follows that on 14/10/2024 LSI Chandrakanta 421/GGM was present in police station SEC 5 GGM, a phone call was received from OASI VIJAY KUMAR DCP OFFICE WEST GGM that there is a crime against women in Shivaji Nagar police station. So, for action, police reached Shivaji Nagar police station and on receiving the information, LSI Chandrakanta 421/GGM reached police station Shivaji Nagar, Gurugram. The complainant was found present and submitted a written complaint which is as follows: - TO The, SHO, Police Station Shivaji Nagar Gurugram. I am the resident of -----. I was



studying in class 10th in 2018, when my coaching was going on, at that time a boy named Suraj Singh lived near my coaching center, then we both started talked. Then in March 2019, Suraj Singh took me to his house in Laxmi Garden GGM. There was no one at home at that time. He forcefully had physical relations with me and told me not to tell my family members. After that we kept meeting again and again and did bad things with me. At that time, he made wrong video and photo of me. Now, when I asked him to separate, he threatened me that if you go away from me, I will commit suicide and will make your photo/video viral. When I refused to live with him, Suraj Singh sent my photos/videos to my parents and told me to "leave your family and come to me, else I would kill me". Suraj had physical relations with me repeatedly. I request that the strongest legal action be taken against Suraj. I am giving this statement in writing in front of legal advisor Kavita Rani. I will present the viral video tomorrow. SD/-LEGAL ADVISOR KAVITA RANI, 14/10/2024 On receipt of the above statement at the police station, a case was registered under sections 506, 3762N IPC 6 POCSO act 67c IT Act and the case was investigated by LSI Chandrakanta 421/GGM."

4. Learned counsel appearing for the petitioner *inter alia* submits that petitioner is a young man of 25 years who has been falsely implicated in the present FIR on the statement of the prosecution. He submits that the petitioner and the prosecutrix were in a consensual relationship since 2018. Reliance has been placed on Annexure P-4 which is a copy of WhatsApp conversations between both the petitioner and complainant. He further submits that there is an inordinate delay in registering the FIR as the first occurrence of the alleged incident is stated to be of 2019 while present FIR was registered on 14.10.2024. Learned counsel also submits that the petitioner has clean antecedents and has undergone an actual custody of 06 months and 25 days. Reliance has also been placed on the judgment of the Delhi High Court passed in *Prashant Das Gupta Vs. State of*



NCT of Delhi and another, bail application No.3371 of 2023 and CRL.MA No.27134 of 2023 decided on 22.04.2024.

5. *Per contra*, learned State counsel has opposed the prayer for granting bail to the petitioner and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate in Court today which is taken on record. As per custody certificate, the petitioner has undergone actual custody of 06 months and 25 days. He on instructions from investigating officer submits that charges were framed on 09.01.2025 and out of total of 16 prosecution witnesses; only 04 have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 16.10.2024 and has no other case registered against him. Investigation is complete. Charges were framed on 09.01.2025 and out of total of 16 prosecution witnesses, only 04 have been examined. The material witnesses including the victim have been examined. 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.**

8. Accordingly, 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 she 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 him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

- 9. 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.
- 10. 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.
- 11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

13.05.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No