



CRA-S-1631-2025(O&amp;M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

106+217

CRA-S-1631-2025(O&amp;M)

Decided on: 19.08.2025

SONU

. . . Appellant(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Robin Dutt, Advocate for the appellant.

Mr. Anmol Malik, DAG, Haryana.

Mr. Kushager Goyal, Advocate for respondent No.2.

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KIRTI SINGH, J. (Oral)CRM-32252-2025

This is an application for placing on record testimonies of the victim and complainant as Annexures P-3 and P-4.

Heard. For the reasons mentioned in the application, the same is allowed and Annexures P-3 and P-4 are taken on record.

CRA-S-1631-2025

1. The present appeal has been filed by the appellant under Section 14(a)(2) of SC & ST Act for grant of regular bail in FIR No.376, dated 08.06.2024, under Sections 376(2)(n), 450, 506, 366 IPC and Section 3(1)(w) of the SC & ST Act, registered at Police Station Rania, District Sirsa.

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

*“Statement of Santosh, wife of Late Vinod Kumar, resident of village Balasar, District Sirsa, age 35 years, mobile no.xxxx  
"Stated that I am a resident of the above-mentioned address and work as a daily wage laborer. My husband passed away*



*in the year 2014. I have two daughters and one son. Sonu, son of Omprakash, resident of Sadewala, used to work as a daily wage laborer along with his family. As a result, I became known with Sonu and his family, and all of us started going for daily wage labor together. Around two months ago, in March, Sonu came to my house when I was alone. He asked me, "Where are your family members?" I replied that everyone had gone out. When I refused Sonu from doing such an act, he threatened me saying, "I will kill you and your family." Then Sonu forcibly raped me. After that, Sonu raped me multiple times forcibly. Then on 29.05.2024, Sonu forcibly took me to Ellenabad, and there he took me into a room, where he again raped me forcibly. All this while, I did not tell anyone about it due to fear of Sonu and out of concern for bringing shame to my family. But now, I have told everything that happened to my father. After hearing my entire story, my father brought me to the police station. What Sonu did to me is extremely wrong. Strict action must be taken against him. I have given this statement to you without any fear or pressure."*

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case on the basis of the statement made by the prosecutrix. It is contended that there is an inexplicable delay of about 10 days in lodging of the FIR. Further, other than the bald assertions, there is no evidence on record, including any medical, to indicate towards the complicity of the accused. Rather, it is the admitted case of the prosecutrix that she was known to the petitioner. It is further submitted that even the invocation of penal provisions under the SC/ST Act against the petitioner are without any basis. The appellant, being in custody since 14.06.2024, has already undergone prolonged incarceration.

4. *Per contra* learned counsel for respondent No.2 and learned State counsel has opposed the bail and submits that the appellant was actively involved in the commission of the alleged offence. As per custody certificate dated 24.07.2025, the appellant has undergone actual custody of



01 year, 01 month and 11 days and there are two other cases registered against him. He on instructions, submits that charges were framed on 07.09.2024 and out of total of 15 prosecution witnesses, 02 witnesses have been examined till date. He, however, submits that in view of the serious allegations against the appellant, appellant is not entitled to the concession of regular bail.

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

6. From a perusal of the case in hand, it transpires that the appellant is behind the bars since 14.06.2024. Investigation is complete. 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, as charges were framed on 07.09.2024 and out of a total of 15 prosecution witnesses, only 02 witnesses have been examined till date. The material witnesses stand 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/appellant. Keeping the appellant 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. As regards the submission of learned State counsel that petitioner is involved in one more criminal case, it has been held by the Hon’ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the



petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

8. The grant of bail is warrants drawing a delicate balance of competing legal and societal interests. It is settled law that personal liberty of an individual, a cherished constitutional guarantee, cannot be taken away except in accordance with the procedure established by law. A person accused of committing non-bailable offences can be detained in custody during the pendency of the trial, unless enlarged on bail. However, exercising judicial discretion in bail matters, Courts must be guided by a calibrated assessment of factors such as the nature and gravity of the offence so alleged, the strength of the prima facie case, the likelihood of the accused fleeing justice, tampering with evidence or influencing witnesses, and the overarching interest in ensuring that the trial proceeds fairly and without obstruction.

9. Accordingly, the present appeal is allowed and the appellant 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 appellant shall also abide by the following conditions:-

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

(VI) The appellant shall not try to approach the prosecutrix in any manner whatsoever, and shall not go in her near vicinity.

10. 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.

11. 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.

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

(KIRTI SINGH)  
JUDGE

19.08.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No