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

Sr. No.220

**CRM-M-29137-2025 (O&M)
Date of decision : 15.07.2025**

Sagar Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shailender Singh, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.10 dated 12.01.2025 under Sections 69, 351(3), 115 & 3(5) of BNS, 2023, registered at Police Station Sarai Khawaja, District Faridabad, Haryana.

2. The contents of the FIR is reproduced below:-

“Statement of xxxxx D/O Shri Pratap Singh, resident of A71, Lane No. 2, Durga Enclave, Faridpur, Amar Colony, age 38 years. She stated that I am a resident of the above address, and I was married in 2004 to Prem S/o Shri Trilok Singh, resident of Sant Nagar Buradi, Delhi. I have a son from Prem, age 18 years. I got divorced from Prem in 2018. I live with my parents and my son, Yash. I became friends with a boy named Sagar through Instagram in March 2024, who is a resident of Nirman Vihar, Delhi. On 31.10.2024, Sagar took me to a room in JOYOUS OYO Hotel, which is in Sec 37 in Faridabad. There, Sagar forcibly had physical relations with me. Earlier also Sagar took me to other hotels and raped me by giving false

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promises of marriage. Now, when I asked for marriage, Sagar and Sagar's family members threatened to kill me. Sagar abused and beat me. On 30.11.2024, Sagar got engaged to marry another girl. Sagar has now done wrong for the last time on SEC 37 dated 31.10.2024. Legal action should be taken against Sagar and his maternal uncle Kamal, Rajbir, brother Akash, and Kaushal. Those who threaten to kill me, I am giving this statement of my own free will without any pressure, the statement has been written, I have heard, I have read, whatever is fine, xxxx, this statement is record in my presence, Shyamwati (LAC) DT 12.01 2025.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix, alleging that the petitioner established forceful physical relations with her on the false pretext of marriage. It is submitted that the prosecutrix, a mature lady aged about 40 years, had come in contact with the petitioner through social media, was in a consensual relationship with him. The present FIR was lodged by the prosecutrix due to ulterior motives, by leveling false allegations against the petitioner. He further submits that petitioner has undergone an actual custody of 06 months and 03 days and is not involved in any other criminal case. The prosecutrix stands examined by the learned trial Court.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. 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 06

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months and 03 days and there is no any other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 26.05.2025 and out of a total of 15 prosecution witnesses, 02 witnesses have been examined till date. 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 12.01.2025. 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 out of 15 prosecution witnesses, only 02 witnesses have been examined so far. The prosecutrix stands examined by the learned trial Court. 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

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

(KIRTI SINGH)
JUDGE

15.07.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No