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CRM-M-36171-2025

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

CRM-M-36171-2025

Date of decision: 18.11.2025

RAHUL KUMAR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Ravi Kumar Mishra, Advocate
for the petitioner.

Mr. Amit Shukla, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.42 dated 11.04.2025 registered under Sections 318(4), 338, 336, 336(2), 340, 61(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Lalru, District SAS Nagar, Punjab.

2. Brief facts of the prosecution are that the petitioner along with the co-accused were indulged in cheating innocent people in the name of sex-determination, testing and preparing forged documents in this regard. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has no concern with the offence in question and the recovery has not been exclusively attributed to him. He submits that nothing more is to be recovered from him. He further submits that there is a delay of 15 days in lodging the present FIR and



there is discrepancy in the story made by the prosecution. He further submits that no ultrasound machine or any explicit instrument required for sex-determination has been recovered and if the prosecution story is to be believed even then the only role attributed to the petitioner is that he impersonated as a doctor.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 25.04.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Relying upon the status report, he further submits that Section 338, 336, 336(2), 340 BNS have been deleted from the array of offences. Challan has already been filed in the present case and out of 26 PW's none has been examined till date. He further submits that the trial may take quite a long time and no useful purpose would be served by keeping him behind the bars. There are no chances of his absconding, therefore, it is urged that the petition deserves to be allowed.

5. Learned State counsel has filed the custody certificate of the petitioner and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature and he has played an active role in the offence in question, rather he is the main accused and thus prays for dismissal of the present petition.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the petitioner is in custody for the last more than 06 months and the investigation has already



trial will take a long time to conclude. No useful purpose would be served by detaining him in further custody. 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. However, he has not controverted the fact that the petitioner has clean antecedents.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

9. The present petition is disposed off accordingly.

18.11.2025

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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No