



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(236)

CRM-M-38675-2025 (O&M)
Date of Decision: 08.12.2025

PARVEEN KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gursher Singh Dhillon, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.167 dated 09.04.2025, under Sections 75(1)(2), 79 and 351(2) of BNS, registered at Police Station Kurukshetra University, District Kurukshetra.

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

“Respected Sir, Myself xxxx wife of Rajesh Kumar, resident of Garhi Rodan, wish to submit that Praveen Kumar son of Mange Ram, resident of Garhi Rodan, for the past several days has been peeping into our house through the ventilator of the bathroom located in their house and making obscene gestures towards us. Whenever I come in front of him, he whistles and makes inappropriate gestures. Today, on 09.04.2025 at around 5:00 PM, while I was sweeping the floor inside the house, Praveen Kumar came and stood in front of our house. Upon seeing me, he pulled down his pants to his knees and stood in front of me in a completely naked state, making vulgar gestures. Earlier too, he used to make obscene gestures toward our little daughters. We had ignored him many times, but his misbehavior has gone beyond limits. Therefore,



we called Dial 112. Praveen Kumar assaulted the Dial 112 vehicle staff, used abusive language, broke the window glass of the Dial 112 vehicle and in order to falsely implicate others, he hit his own head against a wall and said, "I will get you in trouble." Praveen should be medically examined for alcohol consumption. In the past too, he has loudly shouted my name and said, "xxxxxx is my life." These are the words he has uttered. Sd/- xxxxxx w/o RAJESH KUMAR R/O GARHI FORNMO -7404032205 & 8307329424 On the basis of the contents of the above-mentioned complaint."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR, which has been registered due to neighborhood animosity between the parties. It is submitted that the petitioner's family members were attacked by the relatives of the complainant, regarding which an FIR No.125 dated 20.03.2025 had been registered. As a counterblast to the same the instant FIR was filed by levelling false and baseless allegations. Learned counsel contends that there is no evidence on record that points towards the complicity of the petitioner. Furthermore, no independent witness has come forward to corroborate the version put forth by the complainant. The petitioner, a 37 year old, has undergone an actual custody of 7 months and 19 days.

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 7 months and 19 days. Three other FIRs were registered against the petitioner, out of which he stands acquitted in one, and is undergoing trial in other two cases. Investigation is complete. The final report under Section 173 Cr.P.C.

was presented before the concerned Court. The charges were framed



on 05.09.2025 and out of a total of 10 prosecution witnesses, two have been examined. 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. Admittedly, the charges were framed on 05.09.2025 and out of total 10 prosecution witnesses, only 2 have been examined till date. The petitioner has undergone actual custody of 7 months and 19 days. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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. As regards the submission of learned State counsel that petitioner is involved in four more criminal cases, 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 some other case(s). 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. 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 him 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



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

(KIRTI SINGH)
JUDGE

December 08, 2025
Ithlesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No