



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

(226)

**CRM-M-39857-2025 (O&M)
Date of Decision: 31.7.2025**

Vijay Krishan Pandey

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

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. 56 dated 24.3.2024 under Sections 376, 384 and 506 IPC, registered at Police Station Division No. 6, District Ludhiana.
2. The allegations against the petitioner are that he under the pretext of his connections with high officials for getting the property of the complainant-victim, vacated from the unauthorized possession, committed rape upon her. The further allegations against the petitioner are that he had also clicked photographs of the complainant and also made videos. Subsequently, the petitioner is also alleged to have committed rape upon the victim-complainant by extending threats to her to viral the said videos.
3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It has also been submitted that the petitioner and the complainant, who is a married lady of 41 years



and having two children, were in a consensual relationship. Reliance in this regard has been placed on Annexure P-2, which are the chats exchanged between both the parties. He further submits that the complainant stands examined and the petitioner is in custody since 31.3.2024.

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 01 year, 03 months and 29 days. He on instructions from the ASI Ranbir Singh, submits that charges in the present case were framed on 04.6.2024 and out of 19 prosecution witnesses, 11 have been examined till date. It has further been submitted that four more criminal cases are pending against the petitioner, out of which he is on bail in two cases, and is in custody in other two cases. 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 04.6.2024 and out of total 19 prosecution witness, only 11 have been examined till date. The petitioner has undergone actual custody of 01 year, 03 months and 29 days. The material witness i.e. the complainant already stands examined. 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 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. 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 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

July 31, 2025
Gurpreet Singh

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