



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

212

**CRM-M-48514-2024(O&M)
Decided on : 16.05.2025**

MOHIT

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.110 dated 26.10.2023 under Sections 354-C, 354-D, 376(2)(n), 506, 34 IPC and 67-A of IT Act, 2000 registered at Police Station Women Cell, Amritsar, District Amritsar.

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

“Statement, I am xxxxx daughter of Nagarmal resident of District Bhiwani age 20 years. I am a B.A 1st year student. I am a hockey player. I live in xxxxx Amritsar. I became friend with Mohit on Instagram in 2022, gradually we started talking. After this, he took screenshots of the time we talked. Sometimes we used to talk on video call. At that time, he took screenshots of some photos, now he is threatening me by showing those photos and repeatedly asks me to meet him and is threatening me. If you do not meet me, I will tell your family. On the date around 19/20/4/2023, he took me to a hotel near Amritsar railway station by luring me. I do not know the name of the hotel but can tell by looking at the place. He took me to the hotel and did wrong things with me repeatedly against my will and said, if you tell anyone about this, I will kill you. That boy has troubled me a lot. A girl named Jyoti who used to study with me in 2022 in B.B.K hostel Amritsar, whose phone number is xxxxxx. Jyoti is working with Mohit and helping him in this work. Jyoti has given all my contact numbers to Mohit from my phone. Mohit threatened me on 11/9/2023. If you do not meet me, I will make your photo and



video viral on social media. When I refused to meet him, on 12/9/2023 he sent my photo and video to my brother Vikas xxxxxxxx and Bhabhi Sonia mobile number xxxxxxxx. He has troubled me a lot. He sometimes calls my home, sometimes my relatives and my seniors in my hostel Khalsa Amritsar and defames me. Due to this I am going into a lot of depression. Strictest legal action should be taken against both Jyoti and Mohit resident Narela Delhi. I have written my statement myself which is fine.”

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner is a young man aged 21 years who has been falsely implicated in the present FIR on the statement of the prosecutrix, who was well known to him, both being sportspersons. There is also no evidence on record that can indicate towards the complicity of the petitioner. Even the prosecutrix had refused to undergo her medical examination which fact is duly mentioned in her MLR. He further submits that there is a delay of 05 months in registering the FIR. The petitioner has undergone an actual custody of 01 year, 06 months and 09 days. He has clean antecedents and no other criminal case is registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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, 06 months and 09 days and there is no other case registered against him. He on instructions from SI Tarsem Singh, submits that charges were framed on 02.05.2024 and out of a total of 20 prosecution witnesses, only 08 has been examined till date. He however, 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. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has undergone a period of 01 year, 06 months and 09 days and is not involved in any other criminal case. The material witness i.e. victim stands examined. Investigation is complete. The final report under Section 173 Cr.P.C. has been presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the 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. Deprivation of personal liberty without ensuring speedy trial is inconsistent with the rights guaranteed under Article 21. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. The Apex Court in **“Abdul Rehman Antulay and others v. R.S. Nayak and another”**, 1992(2) **RCR (Criminal) 634** observed that Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial.

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

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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 her 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.

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

(KIRTI SINGH)
JUDGE

16.05.2025

Kavita

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No