

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

**CRM-M-48360-2025  
Date of Decision:29.11.2025**

**SUNIL KUMAR**

**...Petitioner**

**Vs.**

**STATE OF HARYANA AND ANOTHER**

**...Respondents**

**CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner  
(through Video Conferencing).

Mr. Neeraj Poswal, AAG, Haryana.

**MANISHA BATRA, J. (Oral)**

1. The petitioner is seeking the indulgence of this Court for grant of regular bail in a bearing FIR No. 398, dated 19.07.2022, under Sections 385, 388, 420, 120-B, 180 of the IPC, registered at Police Station Sadar Jind, District Jind (Annexure P-1).

2. The afore-mentioned FIR was registered on the allegations that ASI Satish, brother of the complainant, was posted at Police Station City Panipat. Accused-Lovely, wife of the present petitioner lodged FIR No. 548/2011 against him alleging molestation and an attempt to commit rape. He was taken into custody. On 29.09.2021, wife of Satish Kumar was contacted by some unknown person who offered to get the matter settled by arranging a meeting between accused-Lovely, and her husband Sunil, i.e., the present petitioner. The meeting was convened between the family-members of the complainant and the petitioner/his wife wherein demand of a sum of Rs. 50,00,000/- was made by the petitioner and his wife for getting ASI Satish exonerated from the FIR lodged against him. The deal was finalized for a sum

of Rs. 32,50,000/-, out of which an amount of Rs. 30,00,000/- was given to the petitioner on 23.03.2022 and another amount of Rs.2,50,000/- was paid after two days. One family member of the complainant had recorded the entire conversation which had taken place with the petitioner and his wife and the matter was reported to the Police.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 05.11.2022. He suffered disclosure statement admitting his involvement in the crime and got recovered an amount of Rs. 19,00,000/- out of the extorted amount. Investigation now stands completed. The previous petition filed by him was dismissed as withdrawn vide order dated 06.02.2024.

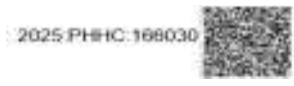
4. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He is in custody since long. Out of 66 prosecution witnesses only 02 have been examined so far. The trial will take considerable time to complete. He has clean antecedents. His further incarceration will no serve any useful purpose. All the co-accused have since been granted concession of bail. On parity he too deserves to be extended the same benefit.

5. Per contra, learned State counsel while placing on record the custody certificate, has submitted that there are serious and specific allegations against the petitioner. There are chances of his intimidating the witnesses or absconding if granted the concession of bail. A part of extorted money was recovered from him. It is, thus, stressed that he does not deserve to be released on bail.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner along with co-accused had allegedly extorted an amount of Rs. 32,50,000/- from the family members of the complainant on the premise of getting ASI Satish exonerated from the case got registered by the accused-Lovely. Though, the allegations prima facie show the complicity of the petitioner in subject offences, however, it cannot be ignored that the petitioner is in custody for a period of over 03 years now. The trial is obviously not going to be concluded in near future as only 02 witnesses out of cited 66 witnesses have been examined so far. Everyday spent in custody provides a new cause of action for filing a bail application. Prolonged detention itself is a ground for re-consideration of bail since settled principle of law is that detention prior to trial should not become punitive. This principle is part of a broader approach emphasizing that law prefers bail over jail only to balance the rights of the accused with the requirement of criminal justice system. Prolonged incarceration also militates against most precious fundamental right guaranteed under Article 21 of the Constitution of India.

8. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petitioner has made out a case for release on bail in his favour. Accordingly, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to furnishing personal and surety bonds two sureties to the satisfaction of the learned trial Court, and further subject to the condition that he shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of



hearing unless exempted by the Court. He shall surrender his passport, if any, furnish details of his mobile number(s) and Aadhaar card, and shall not change his mobile number(s) or address during the pendency of the trial.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

(MANISHA BATRA)  
JUDGE

29.11.2025  
kv

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