



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-53235-2025(O&M)
Decided on: 25.09.2025

SUNNY GUPTA

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Devesh Sharma, Advocate,
Mr. Gagandeep Singh, Advocate,
Mr. Shailender Singh, Advocate and
Ms. Priya Bhati, Advocate
for the petitioner(s).

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 483 BNSS for grant of regular bail to the petitioner in case FIR No.45 dated 19.04.2025, under Sections 69, 351(2) of BNS, 2023, registered at Women Police Station, Central Faridabad, Haryana.
2. The contents of the aforesaid FIR are reproduced herein below:-

“Statement of xxxx daughter of Shri Gado Shah resident of village Lochi Bariyarpur police station Haveli Kharagpur district Munger Bihar currently tenant at Akash Yadav's house near Masjid Sarai Khwaja Faridabad age 33 years education [unclear] xxxx has stated that I am a resident of the above address. We are three siblings, two sisters and one brother: 12 years ago, I met Sunny Gupta on a train. Then we got to know each other and became friends. Gradually, our families also got to know each other. Sunny used to come to meet me. Sunny's family members also started to know me. Sunny's family had given a year's time, saying that they would get us both married after a year. Then after a year, Sunny and his family kept procrastinating. In the month of January 2024, I was told that Sunny got a job in Delhi and on 29/02/2024, I came to Faridabad with Sunny and was kept in an OYO hotel located near Sarai Bajrang Chowk, Faridabad, with the assurance that until a rented room is arranged. During the stay at the OYO hotel, Sunny made physical relations with me



several times on the pretext of marriage and Sunny kept misleading me that I will get married soon. And after that, he continued to make physical relations on the pretext of marriage at Akash Yadav's house in Sarai Khwaja near the mosque. I was given some pill or medicine saying that this will not cause pregnancy. I used to have a lot of body pain after taking the medicine. On 17/01/25, Sunny's sister Sonam Kumari said that her maternal uncle has passed away. Therefore, she and Sunny would have to go to their ancestral village and Sunny went to his village in Jharkhand. After many days, there was no news of Sunny and it was found out that Sunny had got married about two years ago. Sunny threatened to kill me and my family. On 17.01.2025, I had my last physical relations with Sunny. He has troubled me a lot. Legal action should be taken against him. The statement has been written down, heard, it is correct.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated on the basis of the statement of the prosecutrix. It is contended that the petitioner and the prosecutrix, a 33-year-old educated woman, were in a long standing consensual relationship, which was well within the knowledge of both families. The complainant was fully aware that the petitioner married another woman in April 2022, yet she continued to meet him voluntarily thereafter, as is evident from the chat messages of July 2023 annexed as Annexure P-3. The allegation of inducement on the pretext of marriage from January 2024 onwards is thus false and an afterthought. Further, the petitioner, who has a five-month-old daughter and is the sole breadwinner of his family, the petitioner has already undergone an actual custody of 05 months and 06 days and he has clean antecedents. In support of his submissions, reliance is placed on judgment passed by Hon'ble Apex Court in ***Deepak Gulati Vs. State of Haryana 2013(3) RCR (Criminal)96.***

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone



actual custody of 05 months and 06 days and there is no other case registered against him. He on instructions from investigating officer, submits that charges were framed on 12.08.2025 and out of a total of 15 prosecution witnesses, none has been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 19.04.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress, as charges were framed on 12.08.2025 and out of a total of 15 prosecution witnesses, none has been examined till date. The culpability, if any, would be determined at the time of 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. Accordingly, 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 she 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. 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.

9. 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.

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

(KIRTI SINGH)
JUDGE

25.09.2025

Kavita

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>