

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(107)

CRM-M-59474-2024 (O&M)
Date of Decision: 17.11.2025

SHYAM LAL

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Hardeep Rana, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

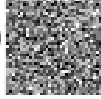
Mr. Jashandeep Singh Bainsa, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. This is the third petition filed by the petitioner under Section 483 BNSS for grant of regular bail to the petitioner in case FIR No.41 dated 14.03.2023 under Sections 376 and 506 IPC, registered at Police Station Siwan, District Kaithal.

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

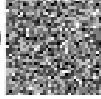
“My age is 20 years I known Pradeep son of Ramdiya from 3 years. I was talking with Pradeep, when my father came to know about this. He got angry and threatened me and when I said that I want to marry with Pradeep, then they did wrong act with me. At that time there was no one in our house, I also called on 112 number on the same day. They told me that first you have to go to the police station and register an FIR, but when I told this to my mother, she told me that don't file an FIR, we will get you married with Pradeep, and thereafter on 27 March 2022 I got married with Pradeep. But on 15 September 2022, I had a fight with my in-laws over some matter. After which I came to my brother's house. After my brother's arrival, my parents forcibly registered a case for expenses against my



husband and others, but now I want to go with my husband and my in-laws' house, but my parents did not allowed to me go to my in law house. They were threatening to kill me and my husband. My father tried to force me to do bad things with me 2 months ago and threatened me that if you tell anyone that incident then I will kill you and your husband. I want to registered an FIR against my father and take strict legal action him."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It is submitted that the complainant, who is daughter of the petitioner, solemnized her marriage with one Pradeep against the advise of the petitioner. Thereafter, being subjected to harassment, the complainant lodged FIR No.105 dated 15.02.2023 under Sections 323, 406 and 498-A of IPC against her husband, who then compromised the matter with the complainant. At that time as well, the petitioner cautioned his daughter. As vengeance, the said Pradeep coerced and threatened the daughter of the petitioner to institute false criminal proceedings against the petitioner. He further submits that the petitioner has undergone an actual custody of 2 years, 8 months and 3 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 2 years, 8 months and 3 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 11.07.2023 and out of a total of 14 prosecution witnesses, 13 have been examined. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.



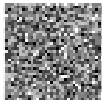
5. Learned counsel for respondent No.2 does not controvert the submissions made by the learned counsel for the petitioner.

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

7. Admittedly, the charges were framed on 11.07.2023 and out of total 14 prosecution witness, 13 have been examined till date. The petitioner has undergone actual custody of 2 years, 8 months and 3 days, and there is no other criminal case registered against him. 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.

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

November 17, 2025
Ithlesh

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