



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

211

**CRM-M-60787-2025(O&M)
Date of Decision: 19.11.2025**

HARMESH SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondents(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Amandeep Samra, AAG, Punjab.

Ms. Gaganpreet Kaur, Advocate for
Mr. Rakesh Kumar, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed praying for grant of regular bail to the petitioner in case FIR No.121 dated 02.09.2025, under Section 64, 308(7), 217 of BNS, registered at Police Station Vairoke, District Fazilka.

2. At the outset learned State counsel has filed status report by way of affidavit of Gursewak Singh, PPS, Deputy Superintendent of Police, Sub-Dvision Jalalabad, District Fazilka and submits that as per investigation, the offence under 308(7), 217 of BNS have been deleted vide DDR No.10 dated 28.10.2025 and offence under Section 70(1) of BNS is added vide DDR No.24 dated 29.10.2025.

3. Learned counsel for the petitioner submits that entire allegations of rape are false and incorrect and in fact, the complainant was in a



relationship with one doctor Piyara Singh and only to secure him, she wrongly nominate the petitioner in the present FIR.

4. Learned counsel for the complainant who had put appearance on the very first date of hearing without even being a party and without even being informed by the State clearly demonstrates that the complainant is keeping a watch on all the proceedings.

5. The present petition has raised serious issue that in certain cases false complaints and FIRs are lodged and thereafter as apparently in the present case after taking huge amounts for settlement, an affidavit of compromise has been effected with the accused. The said act and conduct of complainant actually amounts to extortion. Moreover, the accused has to face grave hardships, as his integrity is put to peril. The accused is in custody for last 2 month 14 days and now the complainant has executed an affidavit stating that she does not wish to initiate any legal action against the accused and more so during investigation allegation under 308(7), 217 of BNS were found to be false, and hence, the same have been deleted. Admittedly the complainant is a divorcee who had lodged the present FIR of having been violated and her medical examination was also conducted but the FSL report is awaited. However, despite levelling serious allegations at the first instance, complainant has now chosen to compromise the matter which demonstrate that the entire exercise by prosecution agency would be futile as the material witness i.e. complainant herself has not supported the prosecution case. The act and conduct of the litigants needs to be checked in a civilized society and they cannot be permitted to lodge false FIRs.



Therefore, considering the facts and circumstances this case the State is directed to initiate appropriate action against the complainant and liberty is granted to the petitioner to move an appropriate proceedings seeking compensation from the complainant for her misadventure.

6. In light of the above coupled with the fact that the petitioner has already undergone incarceration of 02 months 14 days, along with the facts that the material witnesses have been examined and the trial is likely to take considerable time, therefore, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petitioner is held entitled to the concession of regular bail with the stringent condition that petitioner shall not interact or try to communicate with the complainant's family directly or indirectly and liberty is granted to the State as well as complainant to approach the appropriate authorities in case the petitioner violates the above said conditions.

7. Without commenting upon the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on bail, if not required in any other case, on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. The petitioner shall, however, be released on the following conditions:

- i The petitioner shall declare her ordinary place of residence and the mobile number used by her.
- ii The petitioner will not switch off her mobile and in case of any technical glitch, she has to give an alternate number, which will be available in her absence.
- iii The petitioner will mark her presence before the SHO concerned, after every 15 days and in case the SHO refuses to



mark her presence, she is permitted to make an application before the Illaqa Magistrate, concerned.

- iv The petitioner will not leave the country without the prior permission of the Court, for which she will submit the copy of her passport also. However, in case the petitioner does not possess a passport, then she shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.

9. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

10. Pending application(s), if any, shall stand disposed of.

11. List on 20.01.2026 for compliance report.

(ALOK JAIN)
JUDGE

19.11.2025
Deepak Patwal

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |