



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

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**CRM-M-64083-2024(O&M)
Decided on : 12.03.2025**

JITENDER SON OF RANBIR SINGH

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Aditya Sanghi, Advocate and
Mr. Himanshu Garg, Advocate
for the petitioner(s).

Mr. Brijesh Sharma, AAG, Haryana.

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.599 dated 04.08.2023 under Sections 323, 376, 377, 506, 34, 354 of IPC, registered at Police Station Kundli, District Sonipat.

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

“To, The Commissioner of Police, Sonipat. Subject: Forming physical relations with me forcibly by decoying me falsely to solemnize marriage with me and assaulting and giving death threat by Jitender son of Ranbir - Regarding. It is requested that my name is Jyoti D/o Lakshman am permanent resident of Court Mohalla Sonipat. I used to live with Jitender son of Ranbir Resident of Village Katlupur Tehsil Kharkhauda District Sonipat since last 10.02.2021 in front of his parents and known and the villagers at Village Katlupur along with Jitender. Because Jatinder had decoyed me falsely for solemnizing marriage with me. He had filled vermilion in my parting in front of his mother (Babli) and father (Ranbir) and with their consent and in their presence at their house in village Katlupur we had put garland in the throat of each other. Thereafter he started forming physical relations with me. Thereafter we were 38 passing marital life at Village Katlupur. But he never entered my name upon his any of the document, Ration Card, family ID etc. When I repeatedly asked Jatinder to enter my name in the family ID then he started making avoidance and after passing of some time I asked him to solemnize Court marriage or marriage in a temple then his parents started making avoidance that we shall perform marriage. But they didn't perform marriage and now after some time he started forming physical relations with me without my wish and started doing enforce and stated compelling me for forming unnatural relations. When I objected to these facts. Then he (Jitender), Ranbir, Babli started assaulting me and giving death threats, that if you disclose these facts to anyone or file any complaint then we shall beat you like this only



and shall kill you and shall throw you in the Canal. Thereafter his elder brother (Vicky) also started molesting me and started touching me. And started saying that Jitender failed to make his earlier wife as mother and if you form physical relations with me then you shall get the pleasure of becoming mother. When I come to know that earlier also Jitender had decoyed some girl in had ruined her life by not solemnizing marriage with her. And my sister-in-law, Ruby (Jethani) started beating me by slapping me and beating me with stick and she said that if you go to my husband then I shall kill you and shall not allow you to settle in my house, then I told everything to Jitender then his sister Rakhi and brother-in-law (Jija) Gulab came and as soon as Rakhi came she started hurling filthy abuses to me and stated beating me and along with her husband and mother and father of Jitender started beating me and said that why you are levelling such allegations against our son. And said Rakhi and Gulab said that if you disclose these facts to your family, then we shall kill your brother, father. Thereafter me and Jitender came to Sonipat for living and Jitender said to me that we shall solemnize marriage soon. You may not file complaint regarding assault anywhere. After substantial period of time I asked him for solemnizing marriage but he kept on making evasiveness and in the meanwhile my parents paid sum of Rs. 20,000/- 10x getting Mobile and Bike and without my knowledge also he had taken sum of Rs. 50, 000/- from my father In cash. And now he is refusing to marry. Wherein his Vicky, his mother (Babli), father (Ranbir), gister-in-law (Bhabhi) (Ruby) are involved in this erime, Justice may be served to me and legal action may be initiated against them.”

3. Learned counsel for the petitioner submits that he has been falsely implicated in this case and that there is prolonged delay of about 02 years in lodging the FIR. There is no evidence to support the allegations of financial exploitation, harassment, or coercion. It is further submitted that the complainant willingly lived with the petitioner and presented herself as his wife in front of his family and the community. Learned counsel also refers to Annexure P-5, the MLR report of the victim, which shows no injuries on her person. He further submits that the petitioner has undergone an actual custody of 07 months and 02 days and there is no other case 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 07 months and 02 days and there is no other case registered against him. He on instructions submits that charges were framed on 10.11.2024 and out of a



total of 16 prosecution witnesses, only 03 have 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. A perusal of the case in hand transpires that the petitioner is behind the bars since 09.08.2024. 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 out of 16 prosecution witnesses, only 03 have been examined so far. Therefore, the trial in the present case will not conclude anytime soon. 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 violate 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. 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



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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.

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.

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

(KIRTI SINGH)
JUDGE

12.03.2025

Kavita

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