



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(245)

CRM-M-68451-2025
Date of Decision: 22.12.2025

Hemant Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Mayank Yadav, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. This is the second petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No. 82 dated 16.12.2024 under Sections 3(5), 316(2), 351(2) and 69 of BNS, 2023, registered at Police Station Women Police Station Narnaul, District Mahendergarh.

2. The allegations against the petitioner are that he established forcible physical relations with the prosecutrix on the false pretext of marriage. The petitioner is also alleged to have taken gold and silver jewellery from the prosecutrix and also obtained her signatures on some papers.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the prosecutrix. In fact, the petitioner and the prosecutrix, who is a married woman having two

children, were having a consensual relationship. In fact, the prosecutrix had



moved a complaint (Annexure P-3) before the police with regard to the threats and beatings being given to her by her husband and her parents-in-law. She has also stated therein that she had left her home on her own and wanted to live with the petitioner. It is also submitted that there is a delay of 45 days in lodging the present FIR. Moreover, the prosecutrix has refused to get herself medically examined. Learned further submits that the petitioner has undergone an actual custody of 09 months and 29 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 states that the petitioner was actively involved in the commission of the offence. 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 09 months and 29 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 12.5.2025 and out of total 13 prosecution witnesses, 08 have been examined till date. He 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. Admittedly, the charges were framed on 12.5.2025 and out of total 13 prosecution witnesses, only 08 have been examined till date. The petitioner has undergone actual custody of 09 months and 29 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of



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. 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.

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

December 22, 2025

Gurpreet Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No