



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

(246)

**CRM-M-69563-2025
Date of Decision: 22.12.2025**

Sunny

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sylvester Stephen, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 259 dated 03.9.2025 under Sections 64(2)(m), 351(3) and 238 of BNS, 2023, registered at Police Station SGM Nagar, Faridabad.

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

“Statement of xxxxx W/o Lakhon resident of House No. 210 A/C Nagar NIT Faridabad, age 33 years Mob. No. 83839xxxxx , education 10th pass. Stated that I am a resident of the above address. It has been 15 years since my marriage. I have two children. I work as a Peon in a CA office. In December 2024, Sunny son of Jeevan Tandel came to my maternal home, House No. 242 AC Nagar and took my Mobile number from my sister and in December 2024, he called me on my phone from his Mobile No. 9878510502 and started talking to me and came to my house to enquire about my brother's well being. In February 2025, I sent an audio to Sunny's mobile number. Sunny started having blackmailing me. On 09.03.2025, Sunny came to my maternal home, house no. 242, at 6 am. I was at my maternal home. Sunny asked me to come to Oyo in



dark and threatened to send the audio to my husband if I did not come. Sunny reached Oyo hotel and called me at around 10, 10.30 am and on Sunny's call, I reached Oyo hotel at around 3, 3.30 pm and Sunny raped me forcefully. Then he called me and called me to the same hotel two-three times in March-April 2025 and raped me forcefully without my consent. On 4 May 2025, Sunny was calling me to meet him, so I blocked Sunny's number, then Sunny sent my obscene photo on his WhatsApp number. From 9988595545 he sent my husband's WhatsApp number 9315395772 to my husband, my brother and my brother-in-law and started calling me and my husband from different numbers and started threatening to kill me. On 26 May 2025 Sunny sent obscene messages on my husband's mobile and said that if you have the courage then come to Chandigarh. My husband told Sunny's family but they did nothing. Even after that Sunny is repeatedly threatening us that I will send your photo to your boss so that legal action can be taken against Sunny. I have written my statement to you, read it and heard it, which is fine. I have given this statement of my own free will without any pressure in front of the legal advisor. ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 24 years, has been falsely implicated in this case by the prosecutrix. In fact, the petitioner and the prosecutrix, who is a mature woman aged 33 years having two children, were in a consensual relationship. It is submitted that there is a delay of about 04 months in lodging the present FIR, as the alleged transmission of obscene material occurred on 04.5.2025, whereas the FIR was lodged on 03.9.2025. It has also been submitted that the prosecutrix was in continuous telephonic contact with the petitioner since December 2024. Furthermore, she had voluntarily shared an audio recording with the petitioner in February 2025, and had met him multiple times at hotels. Therefore, the said conduct of the prosecutrix is inconsistent with the allegations of repeated forcible sexual assault. Even the medical evidence does not corroborate the allegations so



levelled by the prosecutrix. Learned counsel further submits that the petitioner has undergone an actual custody of 03 months and 19 days.

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 03 months and 19 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, after completion of investigation, challan was presented on 25.10.2025 and the charges are yet to be framed. 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bars for the last 03 months and 19 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court, and the charges are not framed yet. 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 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***



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