



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M-11916-2026 (O&M)

Jugraj @ Jagraj @ Jagraj Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

Reserved on : 11.03.2026
Pronounced on : 18.03.2026
Uploaded on : 18.03.2026

Whether full judgment is pronounced
or
-operative part thereof : Full

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Ajay Singla, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

NEERJA K. KALSON, J.

1. This petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) (Section 439 Cr.P.C.) for grant of
regular bail to the petitioner in case FIR No. 165 dated 09.09.2024,
registered under Sections 64(2)(M), 64(2)(F), 351(2) of BNS, 2023
(Sections 376(1)(2) and 506 IPC), registered at Police Station, Baragudha,
District Sirsa, Haryana.

2. The prosecution case, as unfolded in the FIR, is that the
complainant was married to one Surrender about two years prior to the



occurrence of the incident and out of wedlock one son was born. The complainant stated that since her child was small, she generally remained at home, whereas her husband and parents-in-law used to go for labour work.

It has been alleged that on 05.08.2024, when her husband and parents-in-law had gone for work, the petitioner, who is the son of her uncle-in-law, came to her house in an inebriated condition and forcefully committed rape upon her after gagging her mouth. It is further alleged that he threatened to kill her if she disclosed the incident to anyone. Being frightened and due to fear of social stigma and disgrace, the complainant did not disclose the incident to anyone.

It is further alleged that on 28.08.2024, when the complainant was again alone at her house, the petitioner forcefully entered the house and again committed rape upon her and threatened her with dire consequences. It has also been alleged that two-three days prior to lodging of the FIR, the petitioner again attempted to commit rape upon her, however she managed to resist and tried to come out of the house to save herself. Thereafter, being mentally disturbed and frustrated with the repeated acts of the petitioner, the complainant disclosed the entire incident to her family members, upon which the present FIR was registered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is argued that the allegations are inherently improbable as the complainant has alleged that the offence was committed on three occasions, which raises serious doubt about the veracity of the prosecution story. It is further contended that there is delay in lodging the FIR, which has not been satisfactorily explained. It is also submitted that the medical examination of the prosecutor did not detect



semen, which further weakens the prosecution case. Learned counsel further submits that the complainant and her husband have already been examined before the trial Court, therefore there is no likelihood of the petitioner influencing the said witnesses. The petitioner is stated to be in custody since 10.09.2024, the trial is likely to take considerable time, and therefore continued incarceration of the petitioner would serve no useful purpose. It is also argued that the learned trial Court has wrongly dismissed the bail application without properly appreciating the facts and circumstances of the case.

4. On the other hand, learned State counsel opposes the petition and submits that there are specific and serious allegations of rape against the petitioner. It is argued that the prosecutrix is closely related to the petitioner, being the sister-in-law within the extended family, and therefore the allegations assume greater gravity. It is further submitted that if a person within the family commits such an act, it strikes at the very foundation of trust and safety within the social fabric.

Learned State counsel further contends that the delay in lodging the FIR has been sufficiently explained, as the prosecutrix was under fear and social pressure. It is also submitted that the statements of several material witnesses are yet to be recorded, and if the petitioner is released on bail, there is every likelihood that he may threaten the prosecutrix and other witnesses. It is thus argued that the learned trial Court has rightly dismissed the bail application observing that such offences are grave in nature and the accused does not deserve the concession of bail.

5. I have heard learned counsel for the petitioner and the learned counsel for the State and have perused the record.



6. The allegations against the petitioner are grave and serious in nature, involving repeated acts of sexual assault upon the complainant, who is related to the petitioner within the family circle. The FIR contains specific allegations that the petitioner committed rape on more than one occasion and also extended threats to the complainant.

It is well settled that delay in lodging an FIR in cases involving sexual offences cannot be viewed with the same strictness as in ordinary criminal cases, as victims often hesitate to report such incidents due to fear, trauma and social stigma.

7. At this stage, the Court is not required to minutely examine the evidence or record a finding regarding the truthfulness of the allegations. The seriousness of the allegations, the relationship between the parties and the possibility of intimidation of witnesses are relevant considerations while deciding a bail application. The argument of the petitioner that semen was not detected in the medical examination cannot be treated as a decisive factor at this stage, as absence of such evidence does not necessarily negate the occurrence of the offence.

8. The Hon'ble Supreme Court has consistently held that while considering bail in cases of serious offences, the Court must balance the liberty of the accused with the interest of society and the need to ensure a fair trial. Before advertng to the merits of the case, it would be appropriate to note the settled principles governing grant of bail.

The Hon'ble Supreme Court in *State through C.B.I. vs Amaramani Tripathi, 2005(4) RCR (Criminal) 280* had held that :-

“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or



reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (v) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail.”

Similarly, in ***Mahipal vs Rajesh Kumar (2020) AIR Supreme Court 670***, the Hon'ble Supreme Court emphasized that judicial discretion in matters of bail must be exercised cautiously and based upon relevant considerations.

In ***Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598***, it has been clearly laid down that the grant of bail though involves exercise of discretionary power of the Court, such exercise of discretion has to be made in a judicious manner and not as a matter of course. Where the offence is of a serious nature the question of grant of bail has to be decided keeping in view the nature and seriousness of the offence and the larger interest of the public [***State of Maharashtra v. Anand Chintaman Dighe, (1990) 1 SCC 397***].

9. In the present case, material witnesses are yet to be examined and there exists a reasonable apprehension that the petitioner, if released on bail, may influence or threaten the prosecutrix or other witnesses. It cannot be ignored that when a woman alleges sexual assault at the hands of a person within the extended family, the matter assumes a serious dimension affecting not only the individual victim but also the sense of security within

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society.

10. Keeping in view the nature and gravity of the allegations, the relationship between the parties, and the possibility of influencing witnesses, this Court is of the considered opinion that the petitioner does not deserve the concession of bail at this stage.

11. Consequently, the present petition for grant of regular bail is dismissed.

12. Nothing observed herein shall be construed as an expression of opinion on the merits of the case.

(NEERJA K. KALSON)
JUDGE

18.03.2026
Satyawar

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