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

(207)

CRM-M-18826-2025

Date of Decision:-04.02.2026

Babloo Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sajal Bansal, Advocate for the petitioner.

Ms. Swati Batra, Senior DAG, Haryana.

Mr. Sunil Kumar Bhardwaj, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed seeking grant of regular bail to the petitioner in case FIR No. 295 dated 05.07.2024, under Sections 140(3), 3(5), 64(1) of BNS (Section 351(2) of BNS, 2023 added lateron), registered at Police Station Chandimandir, District Panchkula, Haryana.

2. Learned counsel for the petitioner submits that the allegations levelled against the petitioner are false and fabricated, as the prosecutrix herself has admitted in her statement recorded under Section 183 BNS that she voluntarily accompanied the petitioner, had meals with him and then went to the hotel room and did not raise any objection at any point of time, which clearly indicates a consensual relationship between them. It is further submitted that the prosecutrix also refused to undergo medical examination. It is contended that there is an unexplained delay of two days in lodging the FIR, as the alleged incident is

stated to have occurred on 02/03.07.2024, whereas the

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present FIR was registered on 05.07.2024, which casts serious doubt on the veracity of the prosecution case and suggests false implication of the petitioner. It is also pointed out that the main accused Balbir Singh @ Rinku has already been granted the concession of default bail. It is further submitted that the challan has been filed and the petitioner has been in custody since 17.11.2024 and no recovery is to be effected from him.

3. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has been in custody for 01 year, 02 months and 16 days as on 02.02.2026. Learned State counsel submits that during the course of investigation, the prosecutrix refused to provide her DNA sample and also declined to undergo medical examination.

4. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner and submits that there are specific allegations against him, as on 03.07.2024, the petitioner allegedly took the prosecutrix on his motorcycle to a hotel against her wish and committed the alleged offence upon her without her consent.

5. Heard learned counsel for the parties at length.

6. In light of the above, and considering the fact that the petitioner has clean antecedents and no recovery is to be effected from him, coupled with the fact that the prosecutrix voluntarily accompanied the petitioner and refused to undergo medical examination during investigation.

It is a settled principle of law, as held by the Hon'ble Supreme Court in

“State of Himachal Pradesh v. Rajesh Kumar @ Munnu” (2025) INSC

331, that refusal of medical examination by the alleged rape victim may



have an adverse bearing on the prosecution case. Further, keeping in view the fact that the petitioner has been in custody for 01 year, 02 months and 16 days and moreover, 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.

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 his ordinary place of residence and the mobile number used by him.
- ii The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he 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 he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he 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.

(ALOK JAIN)

JUDGE

04.02.2026

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