



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

(206)

CRA-S-1218-2026

Date of Decision: 05.5.2026

Vimlesh Chauhan

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Deepak Arora, Advocate
for the appellant.

Mr. Brijesh Sharma, AAG, Haryana.

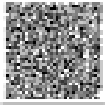
Ms. Anmol Thakur, Advocate
for respondent No. 2.

KIRTI SINGH, J. (ORAL)

1. The present appeal has been preferred against the order dated 07.3.2026 passed by the learned Additional Sessions Judge, Gurugram whereby the application filed by the appellant under Section 483 of BNSS seeking regular bail in case FIR No. 346 dated 22.7.2025 under Sections 69 and 89 of BNS (Section 89 of BNS was deleted later on), and Sections 3(2) (V) of the SC/ST Act, registered at Police Station Palam Vihar, District Gurugram, has been dismissed.

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

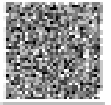
“It is submitted that I, xxxxx, daughter of Prabal Ram, resident of Malipur Chhitouna, Police Station Nagra, District Ballia, state that I became friends with Vimlesh Chauhan, son of Ravindra Chauhan, resident of Dharmapur Vishnupur Hata, Police Station Madhuban, District Mau, in the year 2022. Thereafter, on 31 October 2024, he came to me and from November we started living together in village Chauma, Palam Vihar. Vimlesh told me that he loved me and would marry me. Based on this promise of marriage, I trusted him. From November, we started living in a rented house in village Chauma, in the house of Anil Yadav. During this period, he established physical



relations with me and stayed with me till 14.02.2025. Thereafter, he went to Rajasthan. He again returned on 19 May 2025 and we started living together again at Nayapur, near Totaram Chowk, DLF Phase III, where he again established physical relations with me. On 24.06.2025, I came to know that I had become pregnant. When I informed him, he said that he did not want a child at present and brought abortion pills for me. When I refused to take them, he threatened that he would leave me if I did not consume them. He forcibly made me take the pills, due to which I started bleeding. He assured me that I would recover soon. On 16 July, he told me that he could not marry me, that his family would not accept me, and that he would not accept me either, because I belong to a Chamar caste and he belongs to Chauhan Rajput caste. He clearly refused to marry me and said that I could do whatever I wanted. I am very distressed. Kindly provide me justice and take legal action against Vimlesh Chauhan.”

3. Learned counsel for the appellant *inter alia* submits that the appellant, aged 25 years, has been falsely implicated on the allegations of establishing physical relations with the complainant on the false promise of marriage. It is submitted that the appellant and the prosecutrix, aged about 26 years, were in a consensual relationship. It is further submitted that the prosecutrix, in her testimony before the learned trial Court, did not support the case of the prosecution and was declared hostile, having categorically stated that the relationship between the parties was consensual, and that the appellant neither extended any threat nor subjected her to any caste-based abuse at any point in time. It is further submitted that no medical evidence is placed on record to substantiate the allegations leveled against the appellant, who has already undergone an actual custody of 08 months and 04 days and has clean antecedents.

4. Learned counsel for respondent No. 2 does not controvert the fact that the prosecutrix has turned hostile before the learned trial Court.



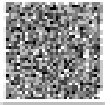
5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the appellant. It is contended that the appellant was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the appellant has undergone an actual custody of 08 months and 04 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 07.1.2026 and out of total 20 prosecution witnesses, 01 has been examined till date. It is submitted that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. Before proceeding, a gainful reference can be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary

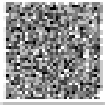


circumstances."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 07.1.2026. Yet, only 01 out of 20 cited prosecution witnesses has been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The appellant has already remained in actual custody for a period of about 08 months and 04 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

9. While the truthfulness or otherwise of the allegations levelled against him and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

10. Presently, no material has been placed on record to suggest that the appellant poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. Moreover, it is noted that the material witness during the course of her examination before the trial Court, did not support the prosecution version and has been declared hostile. While it is settled that the probative value of such testimony is a matter for appreciation at the stage of final adjudication of the case, yet, even while refraining from entering into any conclusive evaluation thereof, this factum cannot be completely overlooked. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued



and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22.***

11. Accordingly, the present appeal is allowed, and to ensure that the interests of justice are adequately safeguarded, the appellant is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and conditions:-

- (i) The appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/intimidate the prosecution witness(s).
- (iii) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The appellant 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 appellant 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.

12. 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.

13. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail appeal, and must not be construed as a final expression of opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

May 05th, 2026
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No