



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

(204)

CRM-M-19405-2026

Date of Decision: 17.04.2026

VIKRAM

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Maan Akashdeep Singh, Advocate for
Mr. Shubham Kaushik, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The present second petition has been filed under Section 483 of BNSS (corresponding to Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No. 1095 dated 11.11.2022 (Annexure P-1) under Sections 376, 506 of IPC (corresponding Sections 64 & 351 of BNS) and Section 67 of the Information Technology Act, registered at Police Station Barwala, District Hisar, Haryana. The first bail petition was dismissed as withdrawn on 15.07.2025.

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

“To, SHO Sir, Police Station Barwala. Subject Complaint for taking Legal action against Vikram son of Krishna Kumar resident of village Lochab Tehsil Narwana District Jind. Mob: 9350046284. Sir, I make the following request that I am PXXX, daughter of Shri Shamsher Singh, resident of Ward No. 12, Madhuvan Colony, near BPS Barwala Public School, Barwala District Hisar. My family has been living in Barwala since before my birth. Our old village is Rajgarh Dobhi, tehsil Narwana, District Jind. We are three brothers and sisters. My elder brother is Mohit, then me and my sister xxxx is youngest. My father does farming work. That my father had gone with family to village Dhanamgaon railway in District Amravati, Maharashtra about 5 years ago for farming, where we used to cultivate land on contract and earn our livelihood and from there, we brother and sisters get



education. That in the month of October 2012, the above accused Vikram made a missed call on my phone by calling me through WhatsApp. When I called back on that number, the accused told that I am resident of Malaysia. I made a call to my friend and you got it by mistake. Even after this, I received calls 2/3 times from the above accused. I blocked his number in my mobile. After this the accused called my mobile number from another mobile number and said that I will not say anything wrong to you, I want to talk to you like a friend, please do not block my number from your phone. I believed his words and unblocked his number. After that the accused would call and one day he asked where you live and what work you do. I told my address and told that I teach in Vidyaniketan C.B.S.E. School, Village Dhamamgaon Railway, district Amravati Maharashtra. One day the accused met me outside the school and said that I have come to meet you, let us have tea. We drank tea in the restaurant there and spent about half an hour and there the accused inquired about my studies and then asked me to give online english language information to my sister Poonam as she will go abroad with me. After this I gave online coaching to Poonam for a few days. At the same time, the accused told that I am staying at the house of Sandeep Beniwal in village Dobhi Rajgarh Tehsil Narwana District Jind, Haryana near our village Lohchab Tehsil Narwana District Jind. After some time, I will go to my village. Then I came to my home. After this, the accused met 2-3 times and took photographs from his mobile like a friend. After that we kept talking to each other but nothing wrong happened. After some time, my family members find a boy for my marriage in Somipat, but we did not like him and did not fixed marriage. When the above accused came to know about the fixing of marriage from somewhere, he threatened me that he had taken some photos of both of us in restaurant and you will have to marry me otherwise I will show it to your family members. I said that our ancestral village Rajgarh Dobhi is very near to your village hence we cannot get married, my marriage will happen only as per the wishes of my family members. On which he threatened me that if there is any discussion regarding your marriage in your house then tell me otherwise your photo will not only be shared in your house but I will make this photo viral on Facebook which will defame you in the society otherwise keep doing as I tell you and call me yourself, otherwise you will have to face bad consequences for this. I was scared of his threat and kept doing as the accused said. 4. That in the month of June 2022, we came from Maharashtra to our home in Barwala district Hisar. After that, in August 2022, my family members fixed my marriage with a boy Aryan son of Suresh, resident of Defense Colony, Hisar and I stopped talking to accused on phone. When I did not talk to the accused for 2-3 days, he contacted me from his sister Poonam's mobile number and said that I have sent a hello message on your father's number and if you will not talk to me, I will send the photo of us to your father's mobile. On which I requested accused to not do this then he said that if you will not marry me then I will do this and will not get you married anywhere by sending photos. 5. That now I used to go to Ashirwad Academy Barwala to take coaching in cost accounting. On 17.10.2022, I received



a call from the above accused that today my sister will come to Barwala and we have to sit at Royal King Hotel Barwala and talk to you. I said that I do not know about Royal King Hotel in Barwala. On which the accused said that I will pick you up from near your coaching center and take you to Royal King Hotel Barwala. After this, accused Vikram came near my center and took me with him to a room in Royal King Hotel Barwala. Where his sister Poonam was not found and the accused Vikram threatened me and told me that if you do not make physical relationship with me today as per your consent, then I will kill you today. Because even your family members don't know about your presence here today. I became completely frightened. Due to fear, I was forced to do as accused Vikram told me. He raped me against my will. Later it came to light that he had also kept his phone on video mode in the hotel room through which he made my video. After this he scared me even more with this video. Now, due to fear, I had to accept everything as told by accused Vikram. 6. That on 23.10.2022, I got engaged to Deepak son of Shri Satbir Singh, resident of village Sulkhani tehsil and district Hisar and my marriage was fixed for 28.11.2022. After this, the accused sent a letter to my future husband Deepak through someone's hand in which he had made allegations about my character and also send screen shot photos from the videos made by the accused in the hotel and sent them to my fiancé Deepak and the accused Vikram also called Deepak and said that if you marry Preeti on 28.11.2022, I will make all the photos viral in your village which will defame you in the society. Deepak son of Shri Satbir Singh also has the recording of the calls made and photos sent by accused Vikram which can be presented. After Deepak received the call and photo from the accused, he sent it to our relation's middleman, Vikram, son of Subhash, resident of Barwala, district Hisar, on his mobile and after which my family members came to know about the whole matter. After which due to the fear of being defamed, I thought of committing suicide but my family members consoled me and did not leave me alone and due to the above-mentioned things, my marriage which was scheduled to take place on 28.11.2022 came on the verge of breaking. On which the members of the family explained to my future in-laws and they agreed to marry me. 7. That on 08.11.2022, accused Vikram called me and threatened me that I will not allow your marriage to take place on 28.11.2022. Due to which I am scared. Therefore, by presenting the complaint, it is requested that an FIR should be registered against the above mentioned, accused and legal action should be taken and I should be delivered justice. It will be thankful to you.”

3. Learned counsel for the petitioner submits that the petitioner, aged about 31 years, has been falsely implicated in the present case on the basis of the statement of the prosecutrix. It is submitted that the petitioner and the prosecutrix were infact in a consensual relationship for over a year. However, due to irreconcilable differences, the two parted ways. It is



submitted that there is an unexplained delay of more than 20 days in the registration of the present FIR, which was lodged only after the alleged act of the petitioner sharing explicit photographs/videos of the prosecutrix with her fiancé (now husband). However, there is no cogent evidence on record to establish the said offences against the petitioner. Moreover, the material witnesses stand examined in the present case. Learned counsel submits that the petitioner has already undergone an actual custody period of 03 years 04 months and 02 days and has clean antecedents.

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 years 04 months and 02 days. He, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 18.03.2023 and out of total 17 prosecution witnesses, 08 have been examined till date. Learned State counsel further 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. Before proceeding, a gainful reference can also 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."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 18.03.2023. Yet only 08 out of 17 cited prosecution witnesses have been examined. The petitioner has already remained in actual custody for a period of 03 years 04 months and 02 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. While the truthfulness or otherwise of the allegations levelled against the petitioner, 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.

9. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. 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 detention of the petitioner, in the backdrop of the pace of the proceedings 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.***

10. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner 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 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.

(vi) The accused-petitioner will not make any attempts to re-associate with the prosecutrix or her family members in any manner either through a device or in-person.

11. 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.

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

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

(KIRTI SINGH)
JUDGE

April 17, 2026
Ritika

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