



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

210

CRM-M-21253-2026

Date of Decision: 24.04.2026

VIJAY KUMAR @ VIJAY YADAV

....Petitioner

VERSUS

STATE OF PUNJAB & ANOTHER

....Respondents(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Mr. Mitul Singh Abhishek Sharma, Advocate
Mrs. Kritika Sagar Sharma, Advocate and
Mr. Kabir Gautam, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (corresponding Section 439 of Cr.P.C.) praying for grant of regular bail to the petitioner in case FIR No.43 dated 17.02.2026 under Section 376 of IPC (corresponding Section 64 of BNS, 2023) registered at Police Station Focal Point, Ludhiana.

2. Ms. Ashu Rana, Advocate has put in appearance on behalf of the complainant and has filed *vakalatnama* in Court today, which is taken on record.

3. Learned counsel for the petitioner submits that the complainant is a 36 years old married woman, having three children and was a tenant in the same building where the petitioner was residing.

Learned counsel submits that there is an inordinate delay of 09 years in



lodging the present FIR and further submits that there is no truth in the allegations levelled. Learned counsel pointed out the affidavit of the complainant (Annexure P-4) which demonstrates that she has levelled the false allegations due to mental distress, emotional turmoil, jealousy and misunderstanding.

4. Learned State counsel has filed the custody certificate and as per which, petitioner is in custody for last 02 month and 02 days and vehemently opposed the grant of concession of regular bail.

5. Heard learned counsel for the parties at length and have gone through the record carefully.

6. In light of the above and considering the fact that the petitioner is in custody for last 02 months 02 days, further incarceration of the petitioner is unwarranted, 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. In light of above, 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.

10. At this stage, this Court has raise a serious concern to the act and conduct of the complainant, as she has admittedly abused the process of law. The Court cannot permit its process to be used as an instrument for harassment and for exerting undue pressure upon the person-accused. Such conduct of the complainant deserves to be strongly deprecated.



11. In light of above, learned State is directed to initiate immediate action against the complainant for abusing the process of law and take it to a logical end. Compliance report be submitted on **10.07.2026.**

12. Pending application(s), if any, shall stand disposed of.

24.04.2026
Deepak Patwal

(ALOK JAIN)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |