



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-23159-2026 (O&M)
Date of Decision: 01.05.2026

SACHIN

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nissim Aggarwal, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.367 dated 23.12.2025 under Sections 376(2)(n) and 506 of IPC, registered at Police Station Rai, District Sonipat.

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

“To the SHO Police Station Urban Estate Rohtak. I, xxxx, daughter of Umesh, resident of Bohar Village Melwan Pana, am a tenant. I originally reside in House No.2698, Sector-3, Housing Board Rohtak. I used to work in Amazon at Bahalgarh Sonipat in January, 2023. A lady named Sarita also used to work in my Company. Sarita and I became friends and took a room on rent in Rai Village in which we both started residing together. Sarita had a friend namely, Sachin, son of Sukhbir, resident of Rai Village, District Sonipat who used to visit her frequently. A number of times when I used to get late from work, Sachin on the asking of Sarita used to drop me at the room. Slowly I became deep friend with Sachin and I told him that I am married and that I have a daughter. Also, a divorce case is going on between me and my husband in Court. After that Sachin asked me to marry him and said that he would give my daughter his name. He told me that he would get me a room in his second house on rent.



After that I went to live in his rented room. One day when I was alone Sachin came to meet me and without my consent physically forced himself upon me. He took my photo and also made indecent video. Using the photo and video, Sachin repeatedly physically exploited me. When I refused, then he gave me false promise of marriage. Now Sachin has married someone else. Now he is threatening me on the pretext that he will make the video viral. And he says that if I tell anyone anything, then he will kill me. Sachin has done wrong with me with deception. Strict legal action be taken against him. Last time Sachin had made physical relations with me on 12.04.2024 in his room. Sachin 89304 90890. Sd/- xxxx Applicant name Sapna D/O Umesh SEC-3, resident of Housing Board. 81685xxxx”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the complainant, who is about 4 years elder to the petitioner, and was even admittedly married when she came in contact with him. The allegations levelled against the petitioner are that he established physical relations with the prosecutrix on the false pretext of marriage. However, given the marital status of the complainant at the relevant time, this allegation stands falsified. Nonetheless, there is no evidence on record to substantiate the even otherwise vague and non-specific averments made by the complainant in the FIR, which too was registered after a considerable delay. Moreover, the complainant had also refused to undergo internal medical examination. The allegation of blackmail also remains unfounded against the petitioner. It is further pointed out that the complainant along with her family members had in fact participated in the marriage of the petitioner, which took place on 15.11.2024, as can be seen from the photographs annexed at Annexure P-3. Learned counsel also contends that respondent No.2 had also got registered an identical FIR, levelling similar allegations against another individual. This fact itself raises serious doubts about the bona fide of the complainant. He submits that the petitioner, now aged about 27 years, has already



undergone an actual custody of 3 months and 11 days. There is no other case registered against him.

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 3 months and 11 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 07.04.2026, yet no prosecution witness has been examined till date. He 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 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 07.04.2026. Yet, no prosecution witness has been examined till date. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 3 months and 11 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.



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.

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

(KIRTI SINGH)
JUDGE

May 01, 2026

Kirti Singh

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