



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

(214)**CRM-M-27705-2026****Date of Decision: 21.05.2026**

AMANDEEP @ AMANDEEP SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Mayank Goyal, 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. 53 dated 20.05.2025 (Annexure P-1) under Sections 376(2)(n) and 506 of IPC (corresponding Sections 64(2)(m) & 351 of BNS), registered at Police Station Women Sirsa, District Sirsa. The first bail petition was dismissed as withdrawn on 19.03.2026.

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

“Statement of xxxx daughter of Jayaram, resident of Kalyan Nagar, Begu Road, Sirsa, aged 30 years, mobile number 85710-5xxxx, stated that I live at the above-mentioned address and I work as a nurse in Bhanwar Hospital, Sirsa. I am divorced, my husband, Rakesh son of Hardev Lal, resident of Ghigtania, had divorced me in the year 2019. I have one son, aged about 8 years, who is with me. I have been working as a nurse in Bhanwar Hospital since 2021. Amandeep son of Prem Singh, resident of Neja Dela Kalan, also worked in Bhanwar Hospital. I came in contact with Amandeep and we became friends. I told Amandeep everything about me that I have one son and that I am divorced. Amandeep said to me that I am ready to marry you and I am also ready to take responsibility of the child. I believed his words, and Amandeep, by giving a false promise of marriage, in the month of October 2021 around 12:00 noon at Mehak Garden PVR, did wrong acts with me, and again by giving the excuse of second marriage, kept doing



wrong acts with me. Whenever I talked to Amandeep for marriage, Amandeep used to put things off. on date 12.01.3025 at around 11:30 AM, Amandeep did wrong acts with me at Mehak Garden. I had also gone to Amandeep's house then Amandeep pushed me out of the house and said that If you come again to my house, then I will kill you. I also gave a complaint against Amandeep in Ding police station, but Amandeep compromised with me but did not marry me and told me that he would not marry me because he had only taken pleasure with me and he will not marry girl like me. Amandeep made a false promise of marriage to me and did wrong acts with me again and again.. Today, I have come to you with my mother xxxx and have given my statement. I request that legal action be taken against Amandeep, son of Prem Singh, resident of Neja Dela Kalan. I have given you my statement, after reading it and it is correct. SD/- xxxx SD/- Sadhana Mittal LAC Sirsa 19-5-25 Attested SD/- Seema ASI PS Women Dt XXXXXXXXXXXXXXXX”

3. Learned counsel for the petitioner submits that the petitioner, aged about 30 years, has been falsely implicated in the present case on the basis of the statement of the complainant, alleging that the petitioner established physical relations with her under the false promise of marriage. It is submitted that the petitioner and the complainant were in fact in a consensual relationship over a period of three years, while they were employed at the same hospital. Subsequently certain irreconcilable differences arose between the two, whereupon the complainant got lodged the present FIR on the basis of sweeping & omnibus allegations, to substantiate which there is no cogent evidence on record. Moreover, even the complainant in her testimony before the learned Trial Court did not support the prosecution case and was declared hostile. Reliance in this regard is placed upon the copy of her testimony, annexed as Annexure P-6. Learned counsel submits that the petitioner has already undergone an actual custody period of 11 months and 19 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 11 months and 19 days. He, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 13.10.2025 and out of total 13 prosecution witnesses, 03 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 13.10.2025. Yet only 03 out of 13 cited prosecution witnesses have been examined. The petitioner has already remained in actual custody for a period of 11 months and 19 days. The pace of the proceedings, thus, indicates that the conclusion is not imminent. 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. Moreover, it is noted that the material witness i.e. the complainant 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 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.

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

(KIRTI SINGH)
JUDGE

May 21, 2026
Ritika

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