



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(103)

CRA-S-2012-2025 (O&M)
Date of Decision: 19.02.2026

BIJENDER ALIAS BILLU

.....Appellant

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parminder Singh, Advocate
for the appellant.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

Mr. Chetan Juneja, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The appellant has filed this appeal assailing the order dated 27.03.2025 passed by the learned Additional Sessions Judge, Karnal, whereby the bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case bearing FIR No.36 dated 08.04.2018, under Sections 323, 328, 366, 376, 344 and 506 of IPC; Section 27 of Arms Act and Section 3(2)(v) of SC/ST Act, registered at Women Police Station Karnal, District Karnal, has been dismissed.

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

“The contents of the statement are that: Statement of xxxx daughter of Banta Singh resident of street No. 1 House No. 4668, Shiv Colony Karnal caste Chamar aged about 20 years, mobile No. 89339xxxx, I would like to state that I am resident of above noted address and I have passed 102 classes, we are two siblings and my marriage was solemnized on 28.06.2015 with Anil Kumar son of Ishwar Diyal resident of Umangpur, Police Station Indri District Karnal. I went to my in-laws house after 1½ years and thereafter I and my



husband started residing on rent in Shiv Colony My husband has got me admitted in Sant Nikka Singh Private ITI and in the month of March, 2018, I took admission in a beauty Parlour which was in the street next to our street, a girl namely Nisha was teacher in the said Parlour and I got friendly with said Nisha. In the month of December, my husband went to his village and after vacating the said rental house, I went back to my parental house in Shiv Colony. My husband told me to come back to my in-laws house after finishing the ITI course. On 19.03.2018, I was in my parental house, then Nisha came to there along with two bottles of Cold drink and Chips packet etc., we both consumed said chips and cold drink and thereafter Nisha told me to drop her up to Petrol Pump. In the meantime, I felt some intoxication and Nisha told me that let's go, I will show you my house, she made to sit me in an Auto and took to a Kothi situated near Kalkha Market Sector 13, where two men were sitting and later on their names came to know as Ajit and Bijender @ Billu and after some time a person namely Raj Vakeel came there and they talked to each other and next day again said Vakeel came there. I told to went back to my house but they forcibly confined me in a room of said Kothi and locked both gates of the Kothi. They asked me about entire details of my family. Billu and Ajit had talked to said advocate and told him that we want to file a case, then Raj replied that your brother is here, you work will be done. On 27.03.2018 Ajit has forcibly committed my rape. Firstly Nisha and Bijender @ Billu have drunken me beer and during night hours Billu and Ajit use to fire as they were having a big gun and threatened by showing gun that we will kill you.. They left me in Nice PG for 2-3 days and Ajit has given the amount of Rs. 9000/- to owner of said PG and told him that if this girl go out from PG, then call us. I was dropped in PG on dated 28th and Ajit used to take me from said Kothi in his car bearing registration No. HR26-DF-9202, then my father has got registered a case regarding my missing. On 26.03.2018 my statement under section 161 of Cr.PC was recorded in the court and prior to give said statement, Ajit told me that if you want to alive, then you have to give statement under our instructions. They told me to give statement that Somi Devi is my step mother, my father has sold me to my husband against the amount of Rs. 2.00 lacs. I have got recorded the statement under section 164 Cr. PC under the instructions of Ajit, Billu and Nisha because they were threatening to kill me and when I told them to go to my house then Ajit Billu and Nisha had beaten me that nobody is higher from us, entire city knows about us and we knows all. Yesterday on 07.04.2018 Ajit, Billu and Nisha have given me drink and thereafter Billu was dropped by driver Sumit in the village and Nisha went to her house and Ajit was alone in the Kothi who was in drunken condition and my mobile phone was with him, then I saw that Ajit was not in sense, I took my mobile phone and sent message to my husband that I was brought here by Nisha, Billu and Ajit have forcibly kept me here and I also sent the address of PG in the message and today Nisha and Sumit Driver came to drop me, then police has apprehended me. I want to go with my parents and I want to punished them strictly. I am giving my statement as per my own free will and wishes, which is true and correct. Sd/- xxx daughter of Sh. Banta Singh resident of house No. 4668, Shiv colony No. 1, Karnal dated 08.04.2018."



3. Learned counsel for the appellant *inter alia* submits that the appellant has been falsely implicated in this case wherein it is alleged that one Ajit developed forceful physical relations with her. It is submitted that the prosecutrix stands examined before the learned trial Court, in which she has not supported the case of the prosecution, as such she has been turned hostile. Even in her cross-examination, she has stated that she was in consensual relationship with main accused Ajit. Furthermore, merely a vague allegation has been levelled against the appellant, and that no overt act is attributable to him. Learned counsel further submits that the appellant, a 45 year old, has already undergone an actual custody of 1 year, 4 months and 29 days.

4. *Per contra*, learned State counsel as well as learned counsel for respondent No.2 have vehemently opposed the submissions made by the learned counsel for the appellant. Learned State counsel states that the appellant was actively involved in the commission of the offence. She has filed custody certificate as well as status report by way of affidavit of HPS, Deputy Superintendent of Police, Indri, Karnal in the Court today and the same is taken on record. As per status report, the appellant was named in 8 other FIRs, out of which he stands acquitted in 6, whereas he stands convicted in one, and one of the FIRs stands quashed. As per custody certificate, the appellant has undergone an actual custody of 1 year, 4 months and 29 days in the present case. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 25.11.2019 and out of a total of 35 prosecution witnesses, six have been examined. She submits that in view of the serious



allegations against the appellant, he is not entitled to the concession of regular bail.

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

6. Admittedly, the charges were framed on 25.11.2019 and out of total 35 prosecution witnesses, only 6 have been examined till date. The appellant has undergone actual custody of 1 year, 4 months and 29 days, and there is no other criminal case registered against him. Material witnesses stand examined. The prosecutrix has turned hostile before the learned trial Court. No useful purpose shall be served by further detention of the accused-appellant. Keeping the appellant in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in ***"Dataram Singh vs. State of Uttar Pradesh and another"*, (2018) 3 SCC 22.**

7. As regards the submission of learned State counsel that appellant is involved in eight more criminal cases, it has been held by the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the appellant cannot be rejected solely on the ground that the appellant is involved in other case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and



other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the appellant is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The appellant shall also abide by the following 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.

9. 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.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would



proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

February 19, 2026
Ithlesh

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