



CRM-M-33253-2026

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

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CRM-M-33253-2026

Date of Decision: 15.06.2026

Ravi

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Kuldeep Singh Siwach, Advocate for the petitioner

Mr. Deepak Vashishth, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') is seeking grant of regular bail in FIR No.150 dated 11.11.2025 under Sections 64(2)m, 351(3), 332(b), 61(2) read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS') registered at Police Station Jakhal, District Fatehabad.

2. Case of the prosecution is that complainant lodged a complaint alleging that she is 32 years old married lady. She has two children. Tarsem who belongs to her parental village came to her house for plastering their house. He stayed at their home. He committed rape upon her on 16.02.2025 while her husband was out of village. Ravi Kumar (petitioner) who is nephew of Tarsem took her away on his motorcycle to Patiala and handed over to Tarsem. Ravi Kumar left the place and Tarsem kept her at unknown place. Tarsem was threatening her. She disclosed these facts to her husband.



3. Learned counsel for the petitioner *inter alia* contends that there is no allegation of rape against the petitioner. There is allegation only to the extent that he took away prosecutrix on his motorcycle to Patiala while she was going to Narwana. There is no allegation of gang rape. FIR was registered after 9 months from the date of first incident and 4 months from second incident. Challan has already been presented. The petitioner is not involved in any other offence. No recovery is to be effected from him. He is in custody since 08.03.2026. He has been wrongly implicated in the commission of alleged offence. He is permanent resident of District Patiala. He has deep roots in the society. There is no possibility to flee from justice.

4. Custody certificate dated 12.06.2023 is taken on record. As per custody certificate, the petitioner is in custody since 08.03.2026 and is not involved in any other offence.

5. Learned State Counsel submits that police report has already been filed, however, charges are yet to be framed. He further submits that out of 16 witnesses, none has been examined. The petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

6. A two judge Bench of Hon'ble Supreme Court in ***Satender Kumar Antil v. CBI; (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable



for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. Intent of arrest and reason of denial of bail is to:

- i) Secure the appearance of the accused at the time of trial;
- ii) allay possibility of repeating of offence & jeopardising own life on account of grim prospect of being convicted; and
- iii) Avoid possibility of tampering of evidence and security of witnesses who may be pressurised or maltreated.

8. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction. Detention or arrest not only deprives a person from his fundamental right of personal liberty guaranteed by article 21 but also freedom guaranteed by article 19(1) of our Constitution.

9. Keeping in mind that:

- i) Petitioner is in custody since 08.03.2026 and is not involved in any other offence;



- ii) Police report under Section 193 BNSS stands filed and no recovery is to be effected from the him;
- iii) The Trial Court yet has to return definite findings on the disputed issues;
- iv) There are 16 prosecution witnesses and till date none has been examined;
- v) There is no allegation of rape against petitioner and his role is limited to the extent that he took away prosecutrix to Patiala.
- vi) There is abysmally low possibility of conclusion of trial in near future;
- vii) As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody;
- viii) Twin stringent conditions of bail prescribed under special statutes like PMLA, UAPA, NDPS Act, Companies Act are not applicable to the case in hand;
- ix) The petitioner is a permanent resident of District Patiala and staying with family members; and
- x) The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of



petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

10. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

11. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

15.06.2026
Mohit Kumar

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