



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-43524-2025 (O&M)

Date of Decision: 09.01.2026

GURMEET SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kanwar Abhay Singh, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

Mr. Sandeepak Berwal, Advocate has put in appearance on behalf of the complainant and files his power of attorney, which is taken on record.

2. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.135 dated 22.03.2025 under Sections 127(6) of BNS (Sections 64(2)(m), 351(3) of BNS and Section 27 of Arms Act added later on), registered at Police Station Palam Vihar, District Gurugram.

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

“To The SHO Sahib, Police Station Palam Vihar Gurugram. Sir. It is requested that I Deepak S/O Vasudev am resident of village Samain, police station Sadar Tohana, District Fatehabad (Haryana), currently a tenant of House no.306, Sector 22A. I live here with my wife xxxcx. We are two brothers and a sister. I was looking for a job in Sector 22A, Gurugram. I was married to my wife xxxx on 05 February 2025 with all social customs. My wife was around 26 years old. My wife went somewhere from our rented house in Sector 22 on



21 March 2025 at 8.30 pm without informing anyone, who is wearing Navy Blue Pant, blue shirt and pink shoes, whose appearance is fair complexion, long face, healthy body, long nose and height 5 ft 4". My wife has gone somewhere and has not returned yet. The name of my wife xxxxx may not be published in any news, newspaper and any other place. It may be kept confidential. You are requested to register an FIR for the missing of my wife xxxx. Applicant Deepak 9xxxx"

4. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is the brother-in-law of the prosecutrix, has been falsely implicated in the instant case, which was initially lodged by the husband of the prosecutrix, to report her as missing. It is submitted that relations between the families of the petitioner and the prosecutrix, have been strained for a considerable period of time, and that the implication of the petitioner in the instant FIR is a result of the same. The true factual matrix is that the prosecutrix had left her home on her own accord and taken a lodging in a hotel with one 'Sandip'. The name of the petitioner does not even find mention in the records of the hotel. There is also no evidence, medical or otherwise to substantiate that the petitioner had committed rape upon the person of the prosecutrix. It is submitted that the petitioner, a 33 year old with clean antecedents, has already undergone an actual custody of 8 months and 18 days. The material witnesses, including the prosecutrix, stand examined before the learned trial Court.

5. *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 8 months and 18 days. Investigation is complete. The final report under



were framed on 13.09.2025 and out of a total of 12 prosecution witnesses, two have been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. Admittedly, the charges were framed on 13.09.2025 and out of total 12 prosecution witnesses, only two have been examined till date. The petitioner has undergone actual custody of 8 months and 18 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner 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.**

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner 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 petitioner shall also abide by the following 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.

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.

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

(KIRTI SINGH)
JUDGE

January 09, 2026
Ithlesh

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