



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

(224)**CRM-M-59636-2025****Date of Decision: 22.1.2026**

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. This is the second petition filed under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 227 dated 09.4.2025 under Sections 351(3) and 64(2)(M) of BNS, 2023, registered at Police Station Chandni Bagh, District Panipat.

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

“It is requested that I Lxxmx S/o Mithun R/o village Bhagwan Dass kele wale Amarpura Bichpadi Road Shahganj Agra at present Ujha gate Shanti colony Panipat. My age is 27 years, when she does the work in the factory. When she used to work in factory, she was acquainted with Sandeep kumar S/o Rajan R/o ekta vihar colony Panipat, he used to work as master in the factory. They got acquainted. After this, Sandeep started talking to her. Sandeep came to her rented room in sai colony Ujha gate. Her family member had gone to work. When no one was in her room, Sandeep forcible committed wrong act upon her and after that Sandeep told her that he had taken her nude photos and videos. If she will not establish physical relationship with him. He will viral her obscene videos and photos. Thereafter, Sandeep had establish physical relationship with



her many times. Now he is repeatedly threatening her. Sandeep had committed wrong act upon her in February 2025. Action be taken against Sandeep.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 23 years, has been falsely implicated in this case by the prosecutrix, who is a mature lady aged 27 years. In fact, the petitioner and the prosecutrix were in a consensual relationship. Even the prosecutrix had accompanied the petitioner to Delhi and other places also. Learned counsel places reliance upon the photographs (Annexure P-2). It is submitted that there is a delay of more than 02 months in lodging the present FIR. Moreover, the prosecutrix has refused to get herself medically examined. Learned counsel for the petitioner has also placed on record the zimni orders dated 08.10.2025 and 29.11.2025 to contend that the prosecution witnesses are not coming forward to record their statements. It is also submitted that the petitioner has undergone an actual custody of 09 months and 11 days and there is no other criminal 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 09 months and 11 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 08.10.2025 and out of total 12 prosecution witnesses, none 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. Admittedly, the charges were framed on 08.10.2025 and the prosecution witnesses are yet to be examined. The petitioner has undergone actual custody of 09 months and 11 days, and there is no other criminal case registered against him. The veracity of the allegations levelled 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.***

7. 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.

8. 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.

9. 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.

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

(KIRTI SINGH)
JUDGE

January 22, 2026

Gurpreet Singh

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