



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

(131)

CRM-M-63405-2025 (O&M)
Date of Decision: 06.4.2026

Amandeep

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vijay Deep Rathee, Advocate and
Mr. Mehtab Singh, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)**CRM-10442-2026**

The application is allowed as prayed for. Annexures P-10 and
P-11 are taken on record.

CRM-M-63405-2025

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 222 dated 27.9.2025 under Sections 351(3), 115, 140(3), 61 and 70(1) of BNS, 2023, registered at Police Station Panipat Sadar, District Panipat.

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

*“Sir SHO Sahab, Police Station Sadar Bohli, District Panipat
Subject: Regarding taking legal action against Aman, Ashwani,
Master Sandeep and journalist Kiran. Sir, my request is that I, the
applicant xxxxxxxxx, daughter of Shivam, a resident of Pappu
Colony, Panipat, had come to the Refinery Road forest three days
ago to collect wood. Many women from the nearby villages also
come there to collect wood and straw. That day, a woman named*



Kiran, who was claiming herself to be a journalist, and with her were three other boys who were introducing themselves as Aman, Ashwani and Master Sandeep, came in a car with number HR-40K-1958. Kiran, the journalist, told me that you do dirty work here and today, as per my instructions, you will have to establish relations with these three boys as well. When I refused, they forcibly put me in their car and took their car inside the forest and those three boys did wrong things against my will, and when I refused, they beat me up and Kiran, the journalist, stood at a little distance from the car with a stick in her hand. She was keeping a watch so that no other person should come and she said that if you tell this to anyone then I have made your video which I will run on media and defame you and those three boys also threatened me that if I tell this to anyone then we will kill you, at the same time four-five women had come to the forest to collect wood, seeing them they fled in their car, I had told this to those women also who till now were very scared of this wrong act, today I have given my complaint to you, strictest legal action should be taken against these thieves.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 27 years, has been falsely implicated in this case by the prosecutrix-complainant at the behest of one Vicky Gurjar, who is involved in the running of a sex racket. The petitioner, being a Camera-man of the news channel concerned, had broadcasted about the illegal prostitution activities which were going on near Panipat Refinery, due to which reason the present FIR was got lodged against him. It is submitted that there is a delay of more than 03 days in lodging the present FIR. Moreover, the prosecutrix has refused to get herself medically examined. It is also submitted that the complainant had in fact herself called one of the co-accused namely Kiran, informing about the conspiracy to falsely implicate her, which is evident from the audio recording. The police has recovered the mobile phone of accused Kiran containing the said audio clip, however, the said clip has neither been deliberately examined nor produced



before the learned Court concerned. It is also submitted that there are material contradictions in the statements the prosecutrix recorded under Section 183 of BNSS, and in her deposition recorded before the learned trial Court. It is submitted that the material witnesses stand examined. The petitioner has undergone an actual custody of 06 months and 03 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 06 months and 03 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 15.1.2026 and out of total 20 prosecution witnesses, 02 have 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. Before proceeding, a gainful reference can 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 15.1.2026. Yet, only 02 out of 20 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 06 months and 03 days. 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, particularly when the material witnesses stand examined. 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

April 06th, 2026
Gurpreet Singh

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