



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(141)

CRM-M-63977-2025
Date of Decision: 06.03.2026

RAVIPetitioner
Versus
STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ankit Kundu, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 400 dated 16.08.2024 under Sections 115, 126, 3(5), 324(4), 351(2), 76 of BNS, registered at Police Station Kurukshetra University, Kurukshetra.
2. The translated version of the FIR is reproduced below:-

“TO SHO PS Adarsh, Kurukshetra. The Application for getting justice and taking legal action against: Ravi son of Roshan, resident of village BohlaKhalsa, district Karnal and his three other friends, who were travelling with Ravi in the Alto car. Sir, the applicant prays as follows:-That the applicant xxxx, daughter of Salender, is a resident of house number 320, Sector 9, Lotus Green City, Kurukshetra and is divorced and has children. The applicant works at a beauty Parlour shop in Kaithal and goes to Kaithal bybus every day/That Ravi had started living in a relationship with the applicant, who had fled abroad after stealing cash, gold and silver jewellery and other items from the applicant's house about one and a half years ago, against whom the applicant has lodged a case of theft at Police Post Sector 7, Kurukshetra and the above mentioned culprit has been calling the applicant for the last 3-4 months and threatening her to withdraw the case, otherwise he will kill her when he gets a chance. On 15-08-2024 at around 7:30 pm, the applicant was travelling to Kurukshetra by a Haryana Roadways bus. Accused Ravi and his three other companions followed the bus in an Alto car. When the bus was coming from kamoda bus stand towards Kurukshetra, the accused stopped the bus by parking their Alto car in front of the bus. They slapped and punched the applicant. They snatched the applicant's phone and broke it. Ravi forcibly took away Rs. 7,000/- from behind the phone cover, a gold locket, and a two-tola gold chain and gave them to his friends. Ravi's friends took them away,



tore the applicant's clothes, and tried to get the applicant off the bus. The passengers of the bus rescued the applicant with great difficulty and caught Ravi and handed him over to the Third Gate Police Station. The applicant had the injuries inflicted by the accused medically examined at the Government Hospital, Kurukshetra. That the applicant reported the incident to 112 using someone else's phone and told the police about her ordeal.”

3. Learned counsel for the petitioner submits that the 25 year old petitioner has been falsely implicated in the present case on the basis of the statement of the complainant/victim. It is further submitted that the prosecutrix in her statement recorded under Section 164 Cr.P.C., materially improved and changed the version narrated by her in the FIR. Similarly, the testimony of the prosecutrix also suffers from material infirmities. It is also submitted that a similarly placed co-accused has already been granted bail. The material witnesses have already been examined before the learned trial Court. Learned counsel further submits that there is no direct evidence on record to corroborate & conclusively establish the allegations leveled against the petitioner, who has already undergone an actual custody of 01 year 06 months and 19 days. He has clean antecedents.

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 01 year 06 months and 19 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 29.03.2025 and out of total 09 prosecution witnesses, 05 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 further, a gainful reference can also 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 29.03.2025. Yet, 05 (albeit including the victim), out of 09 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 01 year



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

March 06, 2026
Ritika