



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

(152)

**CRM-M-67658-2025 (O&M)
Date of Decision: 30.3.2026**

Shaikh Raja @ Nawab

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

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. 141 dated 27.3.2025 under Sections 376, 328, 506 IPC, registered at Police Station City Hisar, District Hisar.

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

“To, The SHO, Police Station City Hisar Subject: Application for registration of a case and legal action against Shaikh Raja, son of Sheikh Ali, resident of Village Gangakhed, District Parvani, Maharashtra, Mobile No. 91466-01006 and 91452-68449. Sir, 1, xxxxx wife of Satyawan, resident of Village Kaliravan, Tehsil Adampur, District Hisar, a peace-loving and law-abiding woman, working as a sweeper in General Hospital, Hisar, submit my request as follows: 1. That the applicant met the above-mentioned accused about two years ago at a relative's wedding, and thereafter, both started talking to each other on the phone and time passed. 2. That on June 10, 2024, the accused came to Hisar for some work and stayed at Hotel Blue Moon near Hisar Bus Stand. Upon reaching the hotel, the very next day, on June 11, 2024, the accused called me



to the hotel on the pretext of having a conversation. I reached the hotel around 8:00 AM as he had called. 3. When I met the accused at the hotel, he first offered me a glass of water. As soon as I drank from the glass, I felt dizzy and became unconscious. When I regained consciousness after about an hour and a half to two hours, I felt uncomfortable and realized that the accused had committed some inappropriate act against me. When I objected and threatened to file a police complaint against the accused, he threatened me, saying, "I took advantage of your unconscious state and had physical relations with you against your will, recorded a video of the incident, and took photos. If you open your mouth, I will defame you in society and viral your videos and photos." I remained silent due to the fear of disgrace to myself and my family in society. 4. After that, I was completely broken from within by this tragedy that happened to me, and I stopped talking to the accused in any way, but the accused did not refrain from his heinous acts and started repeatedly threatening me, saying that either you keep talking to me, or I will make you so helpless that you will come to me on your own or you will take your own life. My family members also tried to explain repeatedly to Sheikh Raja, son of Sheikh Ali, but the accused did not stop from his actions. Strict legal action should be taken against the accused."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the complainant-prosecutrix. In fact, the petitioner and the prosecutrix, who is a married woman, were in a consensual relationship. Furthermore, from the check-in/check out records and the CCTV footage of the hotel concerned, it is clear that the prosecutrix herself went to the said hotel with the petitioner. However, when the husband of the complainant came to know about their relationship, she has concocted a false story to save her matrimonial life. It is submitted that there are material improvisations and contradictions in the statement of the prosecutrix recorded before the police and in the statement recorded under Section 164 Cr.P.C. Furthermore, there is an unexplained



delay of 09 months in lodging the present FIR. Moreover, the prosecutrix has refused to get herself medically examined. Learned counsel for the petitioner has placed on record the zimini orders to contend that despite bailable warrants being issued against the prosecutrix, she is not coming forward to record her statement and now non-bailable warrants have been issued against her by the learned trial Court on 11.3.2026. He further submits that the petitioner has undergone an actual custody of 11 months and 02 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 11 months and 02 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 13.10.2025 and out of total 18 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. 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 13.10.2025. Yet, none of the cited prosecution witnesses have been examined till date. Non-bailable warrants have been issued to secure the presence of the prosecutrix to record her testimony. 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 11 months and 02 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. 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 30th, 2026
Gurpreet Singh

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