



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

(103)

**CRA-S-3781-2025 (O&M)
Date of Decision: 30.03.2026**

MOHIT RATHI

.....Appellant

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K. Tripathi, Advocate
for the appellant.

Mr. Anmol Malik, DAG, Haryana.

Mr. Sanyam Khetarpal, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The appellant has filed this appeal assailing the order dated 19.11.2025 passed by the learned Additional Sessions Judge, Faridabad, whereby the bail application filed under Section 483 of BNSS for grant of regular bail in case bearing FIR No.706 dated 11.12.2024 under Sections 3(1)(x) of SC/ST; Sections 6 and 17 of POCSO Act and Sections 328, 506 and 34 of IPC, registered at Police Station Mujjesar, District Faridahbad, has been dismissed.

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

“To, Hon'ble Sir, Chief Minister, Government of Haryana, Chandigarh, CM Window, Sector-12, Faridabad Subject: Application for legal action against Mohit Rathi, son of Shri Om Prakash Rathi, resident of Near Arora Poultry Farm, Dabua Colony, Faridabad, 2. Jai Prakash, son of Shri Jai Lal 3. Babita, wife of Shri Jai Prakash, caste Gurjar, residents of House No. 1127, Uttam



Nagar, Dabua Colony, Faridabad, who allegedly lured the complainant with false promises of marriage, took obscene photos and videos of her and then blackmailed her into having physical relations with him. He also threatened to kill her and her family if she reported the matter to the police or initiated legal proceedings. Mobile No. 9911088103, Sir, I humbly request that I, applicant 'P', daughter of Shri 'B', caste Chamar, resident of xxx, and I make the following request that since August 2023 (I was 17 years old at that time, that is, I did not know my right from wrong), the above mentioned accused Mohit Rathi, who used to run a fast food shop near our house, took me under his control by sweet talk and alluring me and on the pretext of showing me a movie, took me to Blue Ice Hotel, near Dabua Sabji Mandi, Faridabad, where he mixed something in the cold drink etc. which was already open and requested me to drink it, I drank it by trusting him and then suddenly I started feeling dizzy and I fainted right there and the above mentioned accused made me unconscious. He raped me without my consent while I was in a unconscious state and after raping me he made a video of my sexual intercourse and when I regained consciousness I saw myself in a naked state and when I asked him why I did this and I said that I will take legal action in the police then with the intention of blackmailing me the applicant, he said that if you try to take any legal action or tell anyone then I will disgrace you in the whole society because I have made a video of you having sexual intercourse in a naked state and will put your video and photo on social media due to which you will not be able to show your face in the society or in your friends and relatives so do as I say and out of fear of society I kept doing as the said accused told me. 2. That the said accused kept having sexual relations with me the applicant in natural and unnatural ways by blackmailing me the applicant and when this was going on for a long time then one day he told me that we both will go and do a love marriage but as you are a minor now therefore love marriage can happen only when you turn 18 and I fell for his words and on 21 October 2024, I left Faridabad with the accused Mohit Rathi. The accused trapped me, the applicant, and raped me against my will. 3. That after that, Mohit received a call from his uncle, Jai Prakash and said that the girl's family is pressurizing us to file a police case against our family and you, so you should come to Faridabad with the girl and it will happen as you wish and Mohit after convincing me brought me to Faridabad Dabua Police Station and we gave in writing to the police as per what the police told me, the applicant and my family. 4. That the family members of the above accused Mohit, having instigated him against me, Mohit and his uncle Jai Prakash used abusive language against me, the applicant and said, "You son of a Chamar Dhedh, now you should quietly go to your home and if you want to save your life and that of your family, then sit quietly, otherwise I will get you and your family killed and you and your family cannot do anything to us because we are acquainted with high police officers, goonda type persons and politicians." I and my family were very scared and as



soon as we returned to our home, all the above accused abused me, the applicant, and all the members of my family with abusive words, "You Chamar Dhedh, you bastards, you have lured our child away and now we will not let you stay here and you will have to leave from here and if you do not go, you will face dire consequences." That I and my family are deeply frightened and scared by the threats given by the aforementioned accused, who may cause me the applicant and other members of my family some incident or mishap which cannot be compensated in the future. 6. That if any incident or mishap occurs to me the applicant or any member of my family, the aforementioned accused will be held responsible for it, as the aforementioned accused have threatened to kill me the applicant and other members of my family. Therefore, I request you with folded hands that a case be registered against the aforementioned accused for rape, use of casteist slurs and attempt to murder and that the strictest legal action be taken against them. Please protect the life and property of me the applicant and my family. It will be a great kindness from you."

3. Learned counsel for the appellant *inter alia* submits that the appellant has been falsely implicated in the instant FIR, on the statement of the prosecutrix, whose age is a disputed question of fact. It is submitted that the appellant and the prosecutrix were well acquainted with each other. The prosecutrix had, due to her affections for the appellant, left her home on her own sweet will. This fact was reiterated by her in the statement recorded under Section 164 Cr.P.C., wherein she categorically stated that she was an adult, and that not only had she left her home willingly, but that no wrong act had been done to her by the appellant. Furthermore, the material witnesses stand examined before the learned trial Court as PW-2 and PW-3, who have not supported the case of the prosecution and were declared hostile. Learned counsel has presented copies of the respective testimonies of the concerned PWs, which are accordingly taken on record. As such, there is no cogent evidence on record to establish the alleged offences against the appellant, including the offences under the SC/ST Act. He further submits that the appellant, a 27 years old with clean antecedents, has already



4. Learned counsel for the complainant does not controvert the fact that the material witnesses have turned hostile before the learned trial Court.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the appellant. He states that the appellant was actively involved in the commission of the offence. He has filed custody certificate in the Court today and the same is taken on record. As per custody certificate, the appellant has undergone an actual custody of 11 months and 13 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 31.10.2025 and out of a total of 17 prosecution witnesses, 2 have been examined. He submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

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

7. 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."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 31.10.2025. Yet, only 2 out of 17 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The appellant has already remained in actual custody for a period of 11 months and 13 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

9. While the truthfulness or otherwise of the allegations levelled against the appellant, 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.

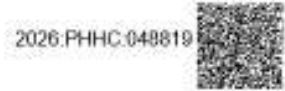
10. Presently, no material has been placed on record to suggest that the appellant poses a flight risk or that his release would impede the fair conduct of the trial. Moreover, it is noted that the material witnesses during the course of their examination before the trial Court, did not support the



the probative value of such testimony is a matter for appreciation at the stage of final adjudication of the case, yet, even while refraining from entering into any conclusive evaluation thereof, this factum cannot be completely overlooked. 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 appellant, 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***.

11. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the appellant 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 appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/intimidate the prosecution witness(s).
- (iii) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.



- (iv) The appellant 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 appellant 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.

12. 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.

13. 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.

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

(KIRTI SINGH)
JUDGE

March 30, 2026
Ithlesh

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