



CRM-M-71579-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-71579-2025(O&M)

Reserved on: 12.02.2026

Pronounced on : 13.02.2026

Uploaded on: 13.02.2026

SAGAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

Coram: Hon'ble Mrs. Justice Shalini Singh Nagpal

Present: Mr. Santosh Kumar Tripathi, Advocate
for the petitioner.

Mr. Sukhbeer Singh, DAG Punjab.

SHALINI SINGH NAGPAL J.

1. Petitioner seeks regular bail in case arising out of FIR No. 0033 dated 12.04.2025 under Sections 64 Bharatiya Nyaya Sanhita, 2023, Police Station Kotwali, Nabha. This is the first petition for regular bail.
2. 'N' wife of 'V' lodged a complaint stating that Sagar son of Gurmukh Singh lived in front of her house. On 09.04.2025, at about 5-5.30 PM, when she was going from her house with her sister-in-law Kajal to fetch milk and reached near Patiala Gate, Sagar came from behind and started thrashing her, threatening to take her niece away, if she did not go with him. He said he would die if she did not accompany him. Then, he forcibly took her to Patiala Gate in a tempo despite protest by her sister-in-law. She was

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taken to a room where she was beaten up, her clothes were removed and she was raped under threat.

3. Learned counsel for the petitioner submits that there was 03 days delay in registration of the FIR. Petitioner and prosecutrix were in consensual relationship for the last 05 years and wanted to marry each other. False case was lodged by the prosecutrix at the instance of her family members when they came to know of the affair. The fact that prosecutrix raised no hue and cry after the alleged sexual assault was indicative of the consent. Victim and eye witness were both examined during the course of trial. Therefore, petitioner deserved to be enlarged on bail.

4. Learned State counsel has filed status report and while opposing the prayer for regular bail, she submits that during investigation, statement of the prosecutrix under Section 183 BNSS was recorded by learned JMIC. Even during the course of trial, prosecutrix remained firm in her initial stand. Out of 20 witnesses, 02 including the prosecutrix and her sister-in-law Kajal were examined.

5. Prosecutrix is a married lady with two children. Petitioner is her neighbour. Prosecutrix in her statement under Section 183 BNS stated that after developing forcible physical relations, petitioner himself left her in her house in a tempo. Although the veracity of the allegations against the petitioner is to be adjudicated at the time of final decision of the case, considering the fact that main witnesses i.e. the prosecutrix and her sister-in-law stand examined; that petitioner is behind bars w.e.f. 12.04.2025; that his antecedents are clean and he is not in a position to tamper with evidence, but without commenting on merits, the petition is allowed. Petitioner-Arvind

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Khaira is ordered to be released on regular bail on his furnishing requisite bail bonds/surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate/Chief Judicial Magistrate.

6. Pending CRM(s), if any, are also disposed of accordingly.

(SHALINI SINGH NAGPAL)
JUDGE

13.02.2026
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>