



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

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**CRM-M-12665-2025 (O&M)
Date of decision: 27.03.2025**

KHAZAN SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Shivansh Malik, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH. J.(Oral)

The jurisdiction of this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.70 dated 30.05.2022, under Sections 376, 377, 506 and 511, (during the course of investigation offences under Section 498-A, 406, 420, 468, 470, 493, 494, 495, 201, 376 (2) (n), 377 of IPC and 17 of Hindu Marriage Act were added) registered at Police Station Women, Rohtak, District Rohtak.

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

“To, The Head of Women Police Station, Gohana, Sonipat. Subject filing a complaint for legal action against all the accused Khazan son of Tek Chand who, despite being married, conspired to marry me as his second wife, and his brother Udaybhan and his first wife Nisha Sharma who supported him in this conspiracy. I, Sonika daughter of Satbir, am permanent resident of village Thaska, Tehsil Gohana, District Sonipat Khazan Singh son of Tek Chand, resident of village Sudana, District Rohtak, had his real aunt married in my village. Due to this, Khazan used



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to visit my village and was also acquainted with my family members. Around 2012, Khazan Singh, along with his younger brother Uday Bhan, asked my family about getting me married to his younger brother, but my family clearly refused. Then he said if not with him, then marry me with him, saying he was in the army and would retire soon, but seeing the 15-20 year age difference between us, we refused. But he still kept after my family and said that this girl is uneducated and simple, and I am in the army with a good salary and will have a good pension too, so your daughter's future will be secure, and I will not let her face any shortage. He touched my family's feet and said that both brothers are alone, his wife has already divorced him, and there is no woman in the house to take care of the house and cook food. I am in great need, I will give her all comforts. Due to my being uneducated and Khazan's repeated requests, my family members, considering my future, fixed my relationship with Khazan, and on 24-02-2014, we were married according to Hindu customs in village Thaska. After the marriage, my husband and my brother-in-law Udaybhan's behavior towards me was not good. My husband would come home for just 14-15 days even after 3-4 months. And when I asked, he would say he couldn't get more leave. A few days after the wedding, I became pregnant and informed my husband over the phone. He told me to go with Udaybhan to get checked by a doctor and get medicine so that both you and the baby would remain healthy. Udaybhan brought medicine from the doctor, but that medicine caused me miscarry. I told this to my family members, and when they asked my husband and brother-in-law about it, they said that due to my mistake, I was given the medicine that caused the miscarriage. My family members threatened them both and scolded them badly, so they admitted their mistake. And my family warned and threatened both of them. My brother-in-law Udaybhan molested me a few days after my marriage and attempted to rape me. When I objected, he said that my brother only comes occasionally, you fulfill my physical desires, and in return, I will fulfill all your needs, I strongly opposed him and threatened to tell his brother and my family. He said that his brother himself says that you should have relations with me, and I will take care of your family members myself. I told this to my husband over the phone, but he also took my brother-in-law's side. Then I told this to my mother, and



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my mother called my brother-in-law and scolded him badly and said that if you even touch our daughter, we will break your hands. After this, he remained good for a few days. In 2015, I had a son named Hitesh. I told my husband many times to take me with him, but he clearly refused. My family asked my husband to keep me with him at his place of duty, but he said, "I will take her, but if she gets lost somewhere or falls from the mountains and dies, don't the a police case against me. Seeing his behavior, I got scared. My husband conspiratorially changed my name from Sonika to Nisha Sharma on my Aadhar card. When asked, he says that he likes the name Nisha more than Sonika. But now we found out that Nisha the name of his first wife. My husband treated me worse than animals, he would insert wooden peg (the kind used in walls) into my private parts. When I would scream badly in pain, he would say, "Don't make a fuss, nothing is happening to you." Because of this, I still have pain in my private parts. On 29-01-2022, I called my husband to know about his well-being. After the conversation, I kept the phone nearby without hanging up, and my husband also forgot to disconnect the call. After 1-2 minutes, I started hearing the voices of my husband, woman, and a child from the other side. Listening to their conversations, I felt that the woman was talking to my husband like his wife. I immediately informed my family members about this by phone. My family members asked my husband about this right away, but he got nervous and tried to avoid the topic. My family members threatened him badly, then he said, "I was already married before marrying her. We wanted to take revenge from your village because my aunt whose marriage was done in your village, her children divided our land for their share and sold it to someone else. We took revenge for this from you, and you cannot harm us. After that, 4-5 panchayat meetings have been held, in which Khazan has admitted this fact, and he also has a 12-year-old boy from that marriage. His first wife is also involved in this whole conspiracy because when it came to the rights of me and my child, Khazan told the panchayat that he had made my son Hitesh sit in his first wife's lap, took a photo, and attached it to his army documents. Therefore, I request you to take the strictest legal action against my husband and brother-in-law for marrying me by lying despite being already married, for raping me and torturing me, and for threatening to kill me and my child. And to ensure justice for me



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and my son. It will be your great kindness Petitioner, R.T.I. Sonika daughter of Satbir resident of village Thaska, Tehsil Gohana. District Sonipat. Mob. 8930547767. At the police station, upon receipt of the application, ZERO FIR dated 17-05-2022 under sections 376, 511, 377, 506 IPC was registered at Women Police Station Gohana and computerized. A copy of the file along with the original application and the fact that the incident pertains to village Sundana, District Rohtak, is being sent to Women Police Station Rohtak via mail and email and by hand of L/ASI Praveen 681 along with the original application and a copy of the FIR. Since the incident pertains to village Sundana, District Rohtak, it should be considered a ZERO FIR dated 17-05-2022 under sections 376, 511, 377, 506 IPC from Women Police Station Gohana. The remaining copies of the FIR of the present case have been prepared, and the special report of the present case is being sent via E-MAIL to the Area Magistrate Sahab Gohana, Superintendent of Police Sahab Sonipat, and Additional Superintendent of Police Sahab Gohana.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the marriage of the petitioner was solemnized with the complainant on 24.02.2014 and they even have a child from the wedlock, however the present FIR was got lodged when the relations between the two turned bitter. He submits that there are material discrepancies in the FIR and the statement of the prosecutrix under Section 164 Cr.P.C. There is also an unexplained delay in reporting the alleged offences. The petitioner has undergone a long custody of 02 years, 04 months and 18 days and there is no other case registered against the petitioner.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 02 years, 04 months



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and 18 days and there is no other case registered against the petitioner. He on instructions submits that charges were framed on 12.07.2023 and out of a total of 19 prosecution witnesses, only eight have been examined till date. However, given the grave allegations against the petitioner, he does not deserve the concession of bail.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 09.11.2022. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 19 prosecution witnesses, only eight have been examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violate of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in “**Dataram Singh vs. State of Uttar Pradesh and another**”, (2018) 3 SCC 22.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. 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.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

27.03.2025
amandeep

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No