



CRM-M-15055-2025 (O&amp;M) 1

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARHCRM-M-15055-2025 (O&M)  
Date of Decision:-27.05.2025

Gurpreet Singh @ Aman

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. D.P.S. Bajwa, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

**JASGURPREET SINGH PURI J.(Oral)**

1. The present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.137 dated 26.05.2024 under Sections 376, 450, 506 of IPC (Sections 328, 365 and 452 of IPC were deleted) registered at Police Station, Uchana, District Jind.
2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 01 year i.e. from 27.05.2024. He submitted that charges in the present case were framed on 06.09.2024 and till date, not even a single prosecution witness has been examined. In this regard, he submitted that the learned trial Court after issuance of summons, had also issuedailable warrants on 11.12.2024 for the complainant and thereafter on 21.05.2025, arrest warrants were issued. He further submitted that arrest warrants have been repeatedly issued against the prosecution witnesses, including the victim, but they are not turning up to depose before



the Court despite the fact that 08 months have elapsed after the framing of the charges.

3. Learned counsel for the petitioner also submitted that it is a case where the allegations against the petitioner are that the complainant, along with her family members, was staying in a hut when the petitioner came at night time, broke the back wall of the hut, came inside the hut and took away the complainant, who was stated to be of the age of 18-19 years at the time of incident and committed rape upon her. He submitted that although the medical examination was conducted but vide Annexure P-3, no fresh injury marks were found on the body and no semen was detected. Although the final FSL report is awaited but *prima facie* no offence of rape has been committed and in fact, it was a case of consent between the victim and the present petitioner, especially in view of the fact that the victim was major and of the age of 18-19 years even as per the FIR. As such, considering the aforesaid facts and circumstances, the petitioner may be considered for grant of regular bail.

4. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct and after the framing of the charges on 06.09.2024, no prosecution witness has been examined. He, however, submitted that the allegations against the petitioner are serious in nature, pertaining to the offence of rape, although as per the medical report, semen was not detected and the final FSL report is still awaited.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner has suffered incarceration for about one year. However, 08 months have elapsed since the framing of



charges but none of the prosecution witnesses have been examined till date. On several occasions, summons and arrest warrants have been issued against the prosecution witnesses, including the complainant-victim, but she has not turned up for deposition. The age of the victim, even as per the FIR, was 18-19 years at the time of the incident. Furthermore, it is neither the case of the learned State counsel nor has it been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses or tamper with evidence.

7. After hearing learned counsels for the parties and considering the totality of the facts and circumstances, this Court, therefore, deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**27.05.2025**

*shweta*

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