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

Sr. No.223CRM-M-25757-2025 (O&M)  
Date of decision : 30.07.2025

Rajesh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Abhimanu, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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**KIRTI SINGH, J. (Oral)**

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.220 dated 08.11.2019 under Sections 376, 450 & 506 IPC, registered at Police Station Women Ballabgarh Faridabad, District Faridabad.

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

*“To, SHO, Women Police Station, Ballabgarh. Sir, it is requested I, xxxx W/o Dharambir, R/o Village Ghucha, District Hathras, U.P., at present residing at Chungi No. 5, Village Ballabgarh, Faridabad. I am married. I have three children. I am working in Bitora Company, Jharsetli, NIT. On 07.11.2019, when I returned home from the company, Rajesh S/o Omkar R/o Chungi No. 5, Uncha Gaon followed me and came upto my room and after seeing my room went away. My husband drives a vehicle and he left at 3.00 a.m. from house for driving vehicle. Today, on 08.11.2019, after getting a opportunity at about 5.00 a.m. Rajesh forcibly entered my house and forcibly committed rape upon me. When I raised alarm then Rajesh ran away from*

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*there and threatened to kill me. When my husband came home, then I told him everything. Legal action be action. Sd/ xxxx, 7290868322. XXXX”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. Earlier, the petitioner had granted the concession of regular bail vide order dated 06.07.2020 by this Court passed in CRM-M-15896-2020, on the ground that the petitioner and the prosecutrix were known to each other as they were working with the same company. Further, there was no injury mark present on the person of the prosecutrix. The fact that the husband of the prosecutrix came to know about the alleged incident at 5:30 A.M. on 08.11.2019, but instead of reporting the matter to the police he went to leave the vehicle and came back at about 10-11 A.M, was also considered by the Court. After being released on bail, the petitioner was regularly appearing before the learned trial Court, but due to some miscommunication with his counsel, the petitioner was under the *bonafide* impression that he was not required to appear before the trial Court any further, which led to the unfortunate cancellation of his bail and the subsequent proclamation proceedings. The petitioner was thereafter arrested on 20.02.2025, and has been in custody ever since. It is submitted that the petitioner while in custody contacted pulmonary tuberculosis and has been undergoing treatment for the same. The petitioner has undergone an actual custody of 09 months and 04 days.

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

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per custody certificate, the petitioner has undergone an actual custody of 09 months and 04 days and there is one other case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 4.2.2021 and out of a total of 20 prosecution witnesses, 04 witnesses have 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. On a perusal of the case in hand, it transpires that the petitioner has undergone an actual custody of 09 months and 04 days. Investigation is complete. 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 20 prosecution witnesses, only 04 witnesses have been examined so far. 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, who is suffering from pulmonary tuberculosis. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative 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.**

7. 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

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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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. 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.

9. 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.

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

**(KIRTI SINGH)**  
**JUDGE**

**30.07.2025**

Ramandeep Singh

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No