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

**CRM-M-1972-2025 (O&M)
Date of Decision: 05.05.2025**

Ranbir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.S. Boparai, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.486 dated 26.11.2023 under Sections 376, 506 & 120-B IPC, registered at Police Station Sadar Ballabgarh, District Fardiabad.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 1 year 4 months and 21 days and now 4 out of 16 total cited prosecution witnesses have been examined and rather all the material witnesses including the complainant and her husband have been examined and only formal witnesses are left to be examined. He further submitted that even a perusal of the FIR would show that the story which has been put forth by the complainant/victim is a concocted one because she has so stated in the FIR that after the act of rape was allegedly committed by the petitioner, the husband of the complainant reached there but when the husband of the



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complainant deposed before learned trial Court that when he reached the *Gaushala* his wife was not found and therefore, he has not supported the prosecution version and has been declared hostile and in this regard, he referred to the aforesaid testimony of the husband of the complainant/victim vide Annexure P-17. He also submitted that the medical of the complainant/victim was duly conducted and in this regard he referred to the medical report which is at Annexure P-5 wherein as per the Doctor, who has specifically noted down that the complainant is changing her statement that is why the doctors are not sending her clothes for examination. He further submitted that be that as it may, in fact the petitioner was falsely implicated in the present case by the complainant. Even otherwise also the petitioner has already faced incarceration for 1 year 4 months and 21 and all the material witnesses stand examined, he may be considered for grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana submitted that so far as the custody of the petitioner is concerned, he is in custody for 1 year 4 months and 21 days and it is correct that all the material witnesses including the complainant/victim and her husband have been examined and the husband of the complainant/victim has not supported the prosecution version and has been declared hostile. However, he submitted that the allegations against the petitioner are specific in nature and the FSL was conducted whereby it was found to be positive but report of DNA matching has not come yet.

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

5. The custody of the petitioner has come out to be 1 year 4 months and 21 days and as per both the learned counsels for the parties, all the material witnesses have been examined including the complainant/victim and



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her husband. The husband of the complainant is stated to have not supported the prosecution version and has been declared hostile. Learned counsels for the parties have also stated that the petitioner has clean antecedents and is not involved in any other case. It is neither the case of the State nor it has been so argued by learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or tamper with the evidence or influence any witness. Therefore, considering the aforesaid totality of facts and circumstances of the present case particularly custody of the petitioner and the stage of the trial where all the material witnesses stand examined, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

8. Since the main case has already been allowed, all the pending applications also stand disposed of.

05.05.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No