



CRM-M-29070-2025(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-29070-2025(O&M)
Decided on: 25.08.2025

Gaurav

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPRESENT: Mr. Pankaj Bali, Advocate for
Mr. Rishi Lal, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Mohit Kumar Bhardwaj, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.92 dated 14.02.2025, under Sections 323, 376(2)(n) and 506 IPC, registered at Police Station Gharaunda, District Karnal.

2. The contents of the aforesaid FIR are reproduced herein below:-

“That at time I lady ASI Sudarshan is present at police station, a written complaint No. 873/Pesi dated 06.02.2025 of xxxxx D/o Vinod Kumar R/o Ward No. 14, H.No. 97, Gharaunda received through post, writing of which is as follows: To the S.P Karnal. Sub: For legal action taken against Husband Gourav, Satyanarayan father in law, Santosh mother in law, residents of village Kalaron tehsil Gharaunda district Karnal Regarding taking legal action. Sir, my request is that I am xxxxx, daughter of Mr. Vinod Kumar, resident of Ward No. 14, House No. 97, Gharaunda, District Karnal. I used to work as a teacher in Swarn Public School in the year 2018-19, where Gaurav, son of Mr. Satyanarayan, caste Jogi, resident of village Kalaron, Tehsil Gharaunda, District Karnal, also used to teach with me. During this time we got



acquainted with each other. He proposed me for marriage, after which he introduced me to his parents and family members that he wanted to marry me. His parents and sisters agreed to this and I also started teaching his sister and teaching her sewing. One day he called me to teach me sewing. When I reached home I found that his sister and mother had gone out for some work. Knowing me to be alone he raped me. He gave me false assurance that he would marry me and kept having physical relations with me from time to time. In this way whenever I asked him to marry me he would give me false assurance. When I and my family members pressurized him for marriage then his father and mother called me to the court and by telling a lie he ran away and started saying that marriage will not happen in the court. And more pressure He made me do it and filled my demand and said that you are my wife. In the presence of my parents and my brother and his parents and his younger sister, he filled my demand and kept me in the house as his wife and gave false assurance that he will get the garage registered in the court on which my parents also agreed and some The day went well but in the meantime his father tried to misbehave with me and when I insisted on marrying him, he beat me up and he brought his friends to his house in his parents' absence and asked them to misbehave with me so that I leave his house. He used to have wrong and unnatural relations with me due to which I tried to commit suicide in which his parents and his sisters were also involved. When he would have physical relations with me, he would also make obscene videos on my phone and if I refused, he would beat me up and when I got very upset, I tried to commit suicide. My parents came there and the important people of the village intervened and assured me that I will be treated well but after a few days he started beating me again and he also got cameras installed in his private room where he would have physical relations with me in front of the camera. On 6th January in the morning he beat me up and told me that on the pretext of court marriage he called me to lawyer Narendra's chamber on the third floor in Karnal to register the marriage. When I reached there I told the lawyer that today is a holiday



and my district is Karnal then why has he called me to Karnal only. On this the lawyer threatened to beat me and threatened to make my husband disappear, due to which I was made to sit in the car and my husband beat me up and my husband and the lawyer threw me out of the moving car, due to which I called on 112 and they took me to the women police station where I gave a statement against my husband, where the lawyer pressurized me and made me settle the matter, then my father left me at my village, but due to fear when my husband did not come home for 2 days I called on 112. I called and went to Madhuban police station and reported my husband's missing and assaulted, then his parents delivered my husband's belongings and clothes to him and when I went for duty, they left from behind and have not returned till now and then I submitted an application again at Gharaunda police station, for which Satyanarayan Madam Sudarshan threatened me and asked me to take back the application and got me to sign on a blank paper. Please send my application to Mahila Police Station, District Karnal and get it investigated. Sd/-”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the complainant, a mature woman aged over 30 years. In the FIR as also her statement under Section 164 Cr.P.C., the complainant referred to the petitioner as her husband. Admittedly, the complainant was in a long standing consensual relationship with the petitioner and also resided with her as a wife. It is further submitted that constant threats of false implication and commission of suicide were given by the complainant, for which, representations were submitted by the petitioner and his father on 01.05.2024 and 21.01.2025 before the concerned authorities. Moreover, no specification with respect to the date or time of any alleged occurrence has been put forth in the FIR. The petitioner, a young man of 24 years, is in custody since 21.02.2025 and his custody period is 06 months and 08 days. The petitioner has clean antecedents and no other case is registered against



the petitioner.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 06 months and 08 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 04.06.2025 and out of a total of 10 prosecution witnesses none has been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 21.02.2025. 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 charges were framed on 04.06.2025 and out of a total of 10 prosecution witnesses none has been examined till date. 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 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. Accordingly, 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 she 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/her 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.

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

(KIRTI SINGH)
JUDGE

25.08.2025

Kapil

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