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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-14175-2025(O&M)
Decided on: 03.04.2025

Deepak alias Deepa

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.129 dated 25.07.2024, under Sections 376(2)(n) and 506 IPC (Section 201 IPC added later on), registered at Women Police Station, District Jind.

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

“To S.P. Sahab, Jind. Subject: complaint regarding committing the rape, threaten to kill, illegally detain, nude photographs and prone video. Sir, It is humbly submitted that applicant is resident of Shyam Nagar Colony, Patiala Chowk, Jind. My marriage was solemnized 15 years ago with Sunil son of Satya Narain resident of Jind. I bless with a son aged 10 years and a girl 12 years old. One FIR case No. 616 dated 05.09.2016 under section 184, 120, 34 of IPC registered at Police Station City Jind against my husband and Deepak alias Deepa son of Beshaki, resident of Kaithal Road, Near Hanuman Mandir, Jind. We are on bail in that case. Arrest warrant has been issued by the court against my husband due to not attending the court case on the date fixed. He is absconding due to fear. During this period, Deepak alias Deepa established forcible relationship with me and also

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made nude video and photos and time and again committed rape upon me against my wishes. When I objected, and he threaten to kill me, my husband and my children. As and when he desired, he used to visit in my rented house for committing the rape against my wishes and also threaten. When I threaten him, to lodge police report against him than he did not visit for few days. I am residing alone with my children. It is, there fore, you are requested that strict legal action is to be taken against accused. I shall be very thankful to you. First time, he committed rape at Kaithal road, Jind on 01.02.2016 and recently on 15.04.2024 sd/-”

3. Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in the case on the complaint made by the prosecutrix. He submits that first instance of the alleged offence is stated to be of 01.02.2016. However, it was only in 2024, that the FIR was lodged. There is no plausible explanation as to why the prosecutrix, a mature married woman with kids refrained from approaching the authorities for 8 long years. It is further submitted that the prosecutrix does not have clean antecedents and that there is an FIR No.616 dated 16.10.2019 registered against her, in which she is facing trial. He further submits that petitioner has clean antecedents and has undergone an actual custody of 04 months and 26 days.

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 and reply in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 04 months and 26 days. He on instructions from ASI Reena Kumari-investigating officer submits that charges were framed on 03.03.2025 and out of total of 9 prosecution witnesses; none has

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been examined till date. He, however, 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 07.11.2024 and there is no other case registered against him. 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 03.03.2025 and out of total of 9 prosecution witnesses, none has been examined. 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.

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(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

03.04.2025

Kapil

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