



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-22550-2025(O&M)
Decided on : 02.05.2025

VIRENDER SINGH

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. P.S.Hundal, Senior Advocate with
Ms. Arshpreet Kaur, Advocate and
Mr. Jasjeet Singh Brar, Advocate
for the petitioner(s).

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.56 dated 16.05.2023 under Sections 376(2)(n), 376(3) and 506 IPC and Section 6 of POCSO Act registered at Women Police Station Assandh, District Karnal.

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

“The Complaint received at the Police Station reads as : Statement of xxxx daughter of late Shri Hoshiar Singh, resident of Village Thal, P.S. Assandh, District : Karnal - Stated that I am resident of above address. My age is 16 years and I am a student of 10th Class. My father had died in December 2021. We are two sisters and have one brother who are being maintained by our mother. I had started talking to Virender since the year 2020 and we used to talk very often. He was living in the house of his maternal Uncle in Assandh. We had developed relations with each other in August 2022 for the last time in my house in my Village Thal. Virender had committed rape upon me without my consent. Before that he used to commit rape sometimes in the house of his maternal Uncle, sometimes in my house under the threat of killing my family members. He had also my photographs in naked condition and he used to threaten me saying that he will make the said photographs viral. Legal action be taken against him.”



3. Learned Senior Counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present FIR which was registered in 2023 on the statement of the prosecutrix, for the alleged occurrence that took place between the period of 2020-2022. In this regard it is submitted that there is a delay of about 03 years from the date when the alleged incident took place for the first time. Further the prosecutrix had refused to undergo her medical examination as can be evinced from the MLR annexed at Annexure P-2. It is also submitted that the petitioner, who was granted interim bail by this Court vide order dated 21.02.2024 (Annexure P-9), to take care of his ailing mother who had to undergo spinal surgery, did not misuse the concession so granted to him. The petitioner is a young man aged 22 years and has undergone an actual custody of 01 year, 10 months and 04 days. He has clean antecedents and no other criminal case is registered against him. In support of his submissions, reliance has been placed on the judgments of this Court passed in **CRM-M-20009-2020** titled as ***“Devender Vs. State of Haryana”***, **decided on 27.10.2022**, and **CRM-M-35083-2021** titled as ***“Karamjit Singh Vs. State of Punjab”*** **decided on 24.08.2022**.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 10 months and 04 days and there is no other case registered against him. He on instructions submits that charges were framed on 23.11.2023 and out of a total of 12 prosecution witnesses, only one has 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. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has undergone a period of 01 year, 10 months and 04 days and is not involved in any other criminal case. Investigation is complete. The final report under Section 173 Cr.P.C. has been presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the 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. In view of the submissions made and 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 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 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.

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

(KIRTI SINGH)
JUDGE

02.05.2025

Kavita Nain

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