



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

213

CRM-M-16209-2025

Date of decision : 15.10.2025

Sunny

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

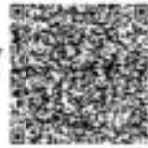
Present: Mr. Harender Singh Rana, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior D.A.G., Haryana.

Mr. Sunil Seharan, Advocate for
Mr. Abhyudaya Paliwal, Advocate for the complainant.

NAMIT KUMAR, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.71 dated 08.02.2024 registered under Section 346 of Indian Penal Code, 1860 (Section 376(2)(n) of IPC was added later on) at Police Station Adarsh Nagar, District Faridabad.
2. Reply by way of an affidavit of Sh. Mahesh Kumar, HPS, Assistant Commissioner of Police, Ballabgarh, Faridabad, on behalf of the respondent-State, filed in the Registry is taken on record.
3. Brief facts of the case are that on 07.02.2024, the mother of the victim made a complaint to the police stating therein that on the same date at about 3:00 p.m. her daughter had left the house without informing her. The complainant tried to search her daughter at her own level but could not find her. On the basis of the said complaint, the instant FIR was registered and investigation was initiated. During

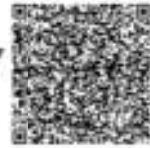


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investigation, the victim was got recovered on 11.02.2024. Her statement was got recorded and she was medico-legally examined. In her statement recorded under Section 164 of Cr.P.C., the victim named the petitioner who had raped her at multiple times.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the complainant (mother of the victim) and the victim herself have not supported the case of the prosecution in their statements recorded before the Trial Court. The victim in her statement recorded before the Trial Court has stated that she does not want to further pursue with the case. The FIR lodged by her mother was the result of misunderstanding, miscommunication and societal pressure. They have amicably decided to resolve the matter being in the same family for their future well being and peace in the society. She further stated that at the time of alleged incident, she was married with Jitender, resident of Chhainsa and today also she is living a happy married life with her husband. She further stated that if the matter of same sort arises again, she will not be filing any complaint against accused Sunny. The complainant (mother of the victim) has also recorded her statement in the same manner.

5. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 19.06.2024 and he is not involved in any other case. He also submits that investigation in the present case is completed; challan stands presented; charges have been framed and out of total 21 prosecution witnesses, only 02 have been examined so far. The trial is likely to take a considerable time to conclude and therefore,



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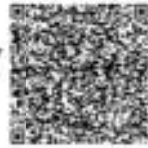
no fruitful purpose would be served by detaining the petitioner behind the bars.

6. Per contra, learned State counsel assisted by learned counsel for the complainant, while referring to the averments made in the reply, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, she could not refute the factual position that out of total 21 prosecution witnesses, only 02 have been examined so far. She has also filed custody certificate dated 14.10.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars for more than last one year and three months and he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the record.

8. Keeping in view the custody period of the petitioner which is 01 year, 03 months and 25 days and the facts that the complainant (mother of the victim) and victim herself have not supported the case of the prosecution before the Trial Court; investigation has been completed; challan has been presented; charges have been framed and out of total 21 prosecution witnesses, only 02 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The petition stands disposed of accordingly.



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

15.10.2025

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No