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

CRM-M-2413-2025

Date of Decision:- 28.07.2025

SARWAN SINGH

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ranjodh Singh Sidhu, Advocate for petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.77 dated 08.11.2023 under Section 376 of IPC and Sections 4 and 6 of POCSO Act registered at Police Station Kacha Pacca, District Tarn Taran.

2. As per facts of the case, prosecutrix gave her statement that she was about 17 years of age. She was minor when her father got his marriage solemnized with Tinda @ Tida on 27.12.2022. At the instance of her *bua*, FIR no.3/2023 was got registered at Police Station Kacha Pacca against her parents. She continued living with her in-laws at Makhi Kalan. She was



sexually exploited by Sarwan Singh (*chacha-sahura*) and Mangta Singh, father-in-law. She disclosed everything to her *bua* Sukhwinder Kaur. She was rescued from her in-laws house. With these allegations, present FIR has been registered.

3. Counsel for petitioner argued that allegations levelled against him are false. Petitioner was arrested on 23.01.2024 and since then he is behind the bars. During trial, victim has been examined as PW2 (Annexure P-2) where she has not levelled any allegations against the petitioner. Regular bail application filed by the petitioner was wrongly rejected by learned Additional Sessions Judge, Tarn Taran. Trial in this case may take long time. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. As per previous order, learned State counsel had requested for adjournment to place on record DNA report but today, learned counsel representing State pointed out that DNA report is not ready as the Forensic Science Laboratory does not have DNA kits to conduct the test. Challan in this case was presented on 04.03.2024. After framing of chargesheet, prosecution evidence was to be recorded. Referring to the gravity of offence, it is submitted that petitioner is not entitled to be released on regular bail.

5. I have considered the aforesaid factual position. Present petitioner was arrested on 23.01.2024 and since then he is behind the bars. At present, statement of the prosecutrix has been recorded as PW2 (Annexure P-2) and in that statement recorded in the Court, she has not

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levelled any allegation against the petitioner. Prosecution was given time to file DNA report but due to aforesaid circumstances, report could not be filed. Trial in this case may take some time. No purpose would be served by keeping petitioner behind the bars for indefinite time period. Evidence and the documents proved on file will be appreciated by the trial Court at appropriate stage. Without commenting on the merits of the case, regular bail petition filed by the petitioner is allowed and he is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge, concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

28.07.2025

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