

2025:PHHC:029533



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

Sr. No.222

**CRM-M-3396-2025 (O&M)
Date of decision : 03.03.2025**

Jagtar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. A.S. Brar, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.47 dated 13.07.2024, under Sections 376 & 120-B IPC, registered at Police Station Samalsar (Annexure P1) (wrongly mentioned as FIR No.61 dated 03.08.2024 in Annexure P4).

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

'Statement of Preeti Kaur daughter of Tarsem Singh son of Amarjit Singh, resident of Patti Goly Ki Samalsar, age about 20 years, mobile No.80544-78061, stated that I am resident of the above said address and doing a labor work. We are seven siblings. My father also works as a laborer. Due to poverty in our house, all of us siblings work in the fields. In our village Samalsar, a family used to come from Jeunwala and cultivate vegetables on leased land. I also used to go there to pick vegetables. In the year 2022, their son Jagtar Singh started talking to me. When I used to come to my house, he followed me and try to call me, but I did not pay any attention to his actions. But slowly he lured me into his talks and said that you are very

2025:PHHC:029533



beautiful, I want to marry you. Then we both became friends. I became quite close to Jagtar Singh. This closeness turned into love. One day I suddenly went to the fields, Jagtar Singh was alone in his room in his fields, then he called me into the room where he forcibly raped me against my wish. I strongly resisted it. Jagtar Singh said to me why are you afraid, I will marry you, if you tell anyone about this, the consequences will be bad. I was scared and did not tell anyone about it. Jagtar Singh's family came to know about it this. His mother Shindi Kaur and father Bachittar Singh told me that we will marry you and bring you to our house, do not accuse our son. After that, with the consent of his family, Jagtar Singh kept taking me to his house in Jeonwala. Where Jagtar Singh, with the consent of his mother Shindi Kaur, father Bachittar Singh, sister Kinder Kaur, and brother Balkar Singh continued making physical relations with me against my wish. Jagtar Singh kept me in his house without marriage with the consent of his entire family, who, with the consent of his family, mother Shindi Kaur, father Bachittar Singh, sister Kinder Kaur, and brother Balka Singh, defamed me. Now Jagtar Singh has clearly refused to marry me and said that I had to enjoy with you and I have done it. His family has ruined my life on the false pretext of performing marriage. Now Jagtar Singh has not been talking to me for the last three months. Jagtar Singh, son of Bachittar Singh, resident of Begowala, district Faridkot, currently residing in Jeonwala, in-connivance with his mother Shindi Kaur, father Bachittar Singh, sister Kinder Kaur, and brother Balkar Singh by giving false promises of marriage raped me against my wish. All these things were well known to Jagtar Singh's family. Until now, I was silent out of fear of my dishonor, thinking that Jagtar Singh would agree to marry me, but Jagtar Singh kept giving false promises of marriage and has not been picking up my phone for about three months. He has clearly refused to

2025.PHHC:029533



marry me. Legal action should be taken against them. I have recorded my statement to you, heard and is correct. Sd/ Preeti Kaur, Witnessed statement RTI Manpreet Kaur. Verified Sd/- Bindarpal Kaur ASI PS Samalsar, Date: 13.07.2024”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner was about 19 years of age and the victim/complainant was more than 20 years of age at the time of alleged incident. He places reliance upon the statement made by the victim, which is taken on record as Annexure-R, in which it is stated that both the parties were in a consensual relationship. He further submits that as per medical report, there is no injury on the person of the victim. The petitioner has undergone an actual custody of 06 months and 26 days and is not involved in other criminal case.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. 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 06 months and 26 days and there is no other criminal case registered against him. He on instructions submits that charges were framed on 30.10.2024 and out of a total of 17 prosecution witnesses, only 02 witnesses 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.

2025:PHHC:029533



6. A perusal of the case in hand transpires that the petitioner is behind the bar since 03.08.2024 . 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 out of 17 prosecution witnesses, only 02 witnesses have been examined so far. 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 violate 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. 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.

2025:PHHC:029533



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

(KIRTI SINGH)
JUDGE

03.03.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No