



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

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CRM-M-5241-2025

Date of decision : 12.08.2025

Manpreet Singh @ Gopi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vipin Mahajan, Advocate with
Ms. Chandan Preet Kaur, Advocate for the petitioner.

Mr. Adhiraj Singh, A.A.G., Punjab.

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.48 dated 10.02.2024 registered under Section 363, 366-A & 376-D of Indian Penal Code, 1860 and Sections 4, 6 & 17 of Protection of Children from Sexual Offence Act, 2012 at Police Station Civil Lines Batala, Police District Batala, Gurdaspur.

2. Status report by way of an affidavit of Sh. Paramvir Singh, PPS, Deputy Superintendent of Police, Homicide and Forensic, Batala, Police District Batala with the additional charge of Sub Division City Batala, on behalf of the respondent-State, filed in the Registry is taken on record. Learned State counsel, on instructions from ASI Baljit Singh, submits that the victims and the complainant have been duly informed about the pendency of the present petition. However, there is no representation on their behalf.



3. Brief facts of the case are that the grand-mother of the victim girls made a statement to the police alleging therein that on 08.02.2024, as usual after taking their meals, they went to sleep at about 8:00 p.m. and on the next day i.e. 09.02.2024 at about 6:00 a.m., when she woke up, she saw that both of her grand-daughters were not present in their bedroom. She searched them everywhere but could not trace them. She had firm belief that her grand-daughters were enticed/allured away by some unknown persons on the false pretext of marriage. On the basis of the said statement, the instant FIR was registered.

4. Learned counsel for the petitioner, inter alia, submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the petitioner was not named in the FIR as the same was lodged against two unknown persons by the grand-mother of the victims and paternal aunty of the petitioner. He submits that the victims were recovered on 01.03.2024 and they flatly refused to undergo medical examination vide Annexures P-2 and P-3. In their statements recorded under Section 164 of Cr.P.C. on 13.03.2024, the victims named the petitioner and four other accused and the petitioner was arrested on 14.03.2024. The matter was thoroughly investigated by the police and in the report dated 14.05.2024 of Deputy Superintendent of Police, City Batala which was approved by Senior Superintendent of Police, Batala on 20.05.2024, it has been stated that the petitioner was not present in the village when the alleged incident has occurred. The victims were in touch with other two accused namely Akashdeep and Jasanbir Singh. It was concluded in the said report that the petitioner is



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innocent and has been falsely implicated in the present case. Consequently, an application filed by the police for the discharge of the petitioner, however, the said application was rejected by learned Additional Sessions Judge, Fast Track Court, Rape and POCSO, Gurdaspur, vide order dated 06.06.2024 (Annexure P-6). Thereafter, the petitioner has been summoned under Section 193 of Cr.P.C., vide order dated 19.10.2024, passed by learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur to face trial under Sections 363, 366-A & 376-D of IPC and Sections 4, 6 & 17 of POCSO Act, 2012. Learned counsel for the petitioner further submits that similar set of allegations were levelled against one Gaganpreet Singh in FIR No.316 dated 20.11.2023 registered under Sections 363, 366 & 376 of IPC and Sections 4 & 17 of POCSO Act, 2012 at Police Station Civil Line, Batala. He further submits that co-accused namely Akashdeep has been granted the concession of regular bail after custody of 04 months and 08 days by the Coordinate Bench of this Court, vide order dated 03.10.2024, passed in CRM-M-40673-2024, wherein it has been recorded as under :-

"xx xx xx xx xx

3. *Learned counsel for the petitioner inter alia contends that the petitioner was not named in the FIR (supra) and the same was registered after a delay of 02 days of the alleged occurrence. In fact, the prosecutrix has solemnized her marriage with one Gagandeep Singh, against whom, after solemnizing the marriage, a case bearing FIR no. 316 dated 20.11.2023 under Section 363, 366 of IPC at Police Station Civil Lines Batala, District Batala was got registered on identical allegations, which is available on record as Annexure P-2, which clearly proves that modus operandi of the complainant. Further, the perusal of Annexure P-1 and P-2 would clearly indicate that allegations in both the FIRs are somewhat similar and*



the petitioner is not involved in any other case. On the last date of hearing, the case was adjourned on the ground that charges are yet to be framed, however, in spite of the fact that investigation is complete, the trial Court has not even framed the charges till date. Learned counsel further submits that there is no medical evidence to corroborate the case set up by the prosecution. The prosecutrix has refused to undergo medical examination and her statement as well as the statement of the complainant was recorded and they have signed the same and in this regard, DDR bearing No. 27 dated 22.03.2024 at Police Station Civil Lines, Batala was also recorded by the investigation agency. He further submits that there is no allegations against the petitioner with regard to the sexual assault and the case of the petitioner is at parity with Manpreet Kaur @ Neetu, who was granted the concession of regular bail by this Court vide order dated 07.05.2024 bearing CRM-M 20445 of 2024 as both of them pressurized the prosecutrix to withdraw her case.

xx xx xx xx xx

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind the bars for last more than 04 months and 08 days and he is not involved in any other case. The investigating agency has already conducted the investigation and has submitted the final report under Section 173 Cr.P.C. the trial of the case is likely to take long time as out of 16 witnesses cited by the prosecution, none has been examined so far. Further incarceration of the petitioner, without there being the prospect of the conclusion of the trial, in the near further, would be violative of his rights under Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.”

5. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 14.03.2024 and not involved in any other case. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 16 prosecution witnesses, only 04 have been examined so far.

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The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

6. Per contra, learned State counsel, while referring to the averments made in the status report, 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, he could not refute the factual position that out of total 16 prosecution witnesses, only 04 have been examined so far. He has also filed custody certificate dated 11.08.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars since more than last 01 year and 04 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 petitioner which is 01 year, 04 months and 19 days and the facts that co-acused Akashdeep Singh has already been granted the concession of regular bail by this Court vide order dated 03.10.2024; investigation has been completed; challan has been presented; charges have been framed and out of total 16 prosecution witnesses, only 04 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.

12.08.2025

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(NAMIT KUMAR)
JUDGE

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