



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-6754-2025(O&M)
Decided on : 04.04.2025

MOHAN SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Amandeep Chhabra, Advocate
for the petitioner(s).

Mr. R.S.Thind, DAG Punjab.

KIRTI SINGH, J. (Oral)

This is second petition under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.30 dated 06.03.2024 under Sections 376-D, 342 and 506 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Lambi, District Sri Muktsar Sahib, Punjab.

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

“Statement of Beant Kaur daughter of Sukhdev Singh resident of Lambi aged 16 years 8 months Mobile No. 62394-27356 stated that I am a resident of the said address. My date of birth is 05.07.2007. I am studying in 11th class in Government Senior Secondary Smart School Badal. My father is agriculturist and my mother works at personal baby care at Chandigarh. We are three sisters. Elder sister Lovepreet Kaur is married and Harmanpreet Kaur, younger than her, studies at Malout. About five months ago, I had a conversation with Amanpreet @ Arman son of Sattu @ Channa Singh resident of Mahna Police Station Lathi (Temporary Police Station Killianwali). We used to talk on phone. On Monday 4-3-2024, I received a call from Arman @ Amanpreet asking me to meet him and I refused to meet him. He then told me that if I don't come to meet him, he will defame me everywhere and will not leave me for any good, so I got scared and agreed to meet him (Arman @ Amanpreet). Arman @ Amanpreet told me that he is coming to the bus stand Lambi, I should go there and at 8 o'clock



in the evening I reached Lambi bus stand near biscuit bakery. After some time a black color car arrived there the number of which I did not read and Arman @ Amanpreet pulled my arm and made me sit in the car and when I looked in the car there were four people in it. One was Arman @ Amanpreet, one was his friend Dilbagh Singh son of Unknown, a resident of Kakhanwali and two others whose names I do not know. Dilbagh Singh was driving the car. When I asked Arman @ Amanpreet where he was taking me, Arman didn't tell me anything, he pressed my mouth and told me to sit quietly and don't make any noise. Then they drove the car on main road leading to Dabwali. On the way, they stopped the car at unknown place and Dilbagh and the two unknown boys got out of the car and Arman @ Amanpreet forcibly took off my pajama and covered my mouth with one hand so that I could not make noise and raped me against my will and when I started crying he threatened me that if I tell anyone about this then he will kill me. Arman committed rape on me at the back seat of car. Then Arman got out of the car and Dilbagh came inside the car and Dilbagh also committed rape against my will. The other two unknown persons and Arman were standing outside. Then Arman along with other two unknown boys went somewhere. Dilbagh committed rape on me for the entire night. In the morning Dilbagh dropped me at Grain Market and threatened me that if I tell someone about this then he will kill my entire family. I was scare and crying and sat near the market and then next day at 3, 3-1/2 PM I reached my house. My father and my sister Harmapreet were at home. I told my sister about the incident. Then my sister told my father the whole thing. Because of my stomach pain, others admitted me to the Civil Hospital Lambi where Doctor referred me to Malout Civil Hospital where I am undergoing treatment. Arman @ Amanpreet son of Sattu @ Channa Singh resident of Mehna, Dilbagh Singh son of unknown resident of Kakhawali and two unknown boys have ruined my honor by raping me. Justice should be given to me by taking legal action against them. I have got recorded the statement and read the statement. It is correct. Sd/- victim Beant Kaur, seconded by LTI Sukhdev Singh son of Sandura Singh (Father), verified SD/- Rajni Bala SI, Police Station Lambi, District Sri Muktsar Sahib, Date 6.3 2024”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the petitioner was not named in the FIR. His name only found mention in the statement made by the prosecutrix under Section 164 Cr.P.C. on the basis of which he was implicated, however, therein as well there are no allegations of rape levelled against the petitioner. It is further submitted that the material witnesses, including the prosecutrix, have turned hostile. A similarly placed



co-accused has also been granted regular bail by this Court vide order dated 04.03.2025 in CRM-M-7894-2025. He further submits that the petitioner has undergone an actual custody of 01 year and 18 days and there is no other case registered against him.

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 and 18 days and there is no other case registered against him. He on instructions submits that charges were framed on 02.07.2024 and out of a total of 24 prosecution witnesses, only four have been examined till date. However, it is not controverted that the prosecutrix has turned hostile.

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 is behind the bars since 16.03.2024. Similarly placed co-accused has been granted regular bail by this Court vide order dated 04.03.2025 in CRM-M-7894-2025. The prosecutrix has turned hostile. 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 24 prosecution witnesses, only four have been examined so far. Therefore, the trial in the present case will not conclude anytime soon. 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 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. 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

04.04.2025
Kavita Nain

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