



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

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CRM-M-7952-2025(O&M)
Decided on : 12.03.2025

RANJEET SINGH ALIAS GORA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Satvir Singh, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.38 dated 19.03.2024 under Sections 376(2)(n) and 506 of IPC and Section 66(E) (Section 67 A added later on) of Information Technology Act, 2000, registered at Police Station Bhawanigarh, District Sangrur.

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

“Copy of Statement, Statement of Jaspreet Kaur wife of Jaspal Singh resident of village Nagra, Police station Bhawanigarh, District Sangrur presently daughter of Maghar Singh resident of village Kotra, Tehsil Lehra, district Sangrur aged about 39 years, Mobile number 63063-24875, stated that I am a resident of the above mentioned address and do domestic work, I was married in the year 2006 to Jaspal Singh son of Karnail Singh resident of village Nagra, Police station Bhawanigarh, District Sangrur, We have two children. Among them, the elder daughter Navdeep Kaur is about 16 years old and is studying in class XI and the younger son Lovedeep Singh is about 14 years old and is studying in class VIII. My husband Jaspal Singh are total three brothers. Me and my husband along with our two children live separately from my brother-in-law (Deor), brother-in-law (Jeth) and in-laws. My husband Jaspal Singh's maternal uncle's son Kanjeet Singh son of Sukhdev Singh resident of village Mehma Sarja district Bathinda who is a private engineer and do private Job in Sangrur. He used to come and stay at our house for the last one year as our village is close to Sangrur. But now for about 4 months he started staying at our house. Two- Three



months ago when my husband was at work and the children were at school, Ranjeet Singh abovesaid and I were alone at home, then Ranjeet Singh threatened me and had sexual intercourse with me against my will and raped me, which I stopped him from doing, then he threatened me that if you tell anyone, I will kill you. After this, he continued to have sexual intercourse with me by threatening me in the same way. One day, he took me to a hotel where he raped me without my consent and also made a obscene video of me. After this, he threatened me to make my video viral and continued to have sexual intercourse with me many times against my will. So, fearing that my honor would be damaged, I could not tell anyone about this incident happening to me, but about 4-5 days ago, when I had gone to my parents' house, Ranjit Singh sent the obscene video of me to my husband on his phone. After watching the video, my husband and in-laws clearly forbade me from staying at their house. Today, I have come to Chowki Gharachon Police Station Bhawanigarh to report this matter alongwith my father Maghar Singh son Bala Singh. Please take appropriate legal action against the above-mentioned Ranjeet Singh for raping me and making a obscene video of me and sending it to my husband. ”

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is also submitted that the complainant/victim has turned hostile. The petitioner has undergone an actual custody of 11 months and 18 days and there is one other case registered against him, however he is on bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She 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 11 months and 18 days and there is one other case registered against him, however he is on bail. She on instructions from ASI Major Singh submits that charges were framed on 24.07.2024 and out of a total of 18 prosecution witnesses, only four have been examined till date. However, it is an undisputed fact that the complainant/victim has turned hostile.



5. 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 21.03.2024. The complainant/victim 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 18 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 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.**

6. 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.



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(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.

7. 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.

8. 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

12.03.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No