



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

224

CRM-M-8057-2025(O&M)
Decided on : 04.03.2025

BALWINDER SINGH @ DEEPA

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. P.S.Guliani, Advocate for
Mr. Aminder Singh, Advocate
for the petitioner(s).

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.66 dated 27.06.2024 under Sections 376(3), 454 and 506 of IPC and Section 4(2) of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Moonak, District Sangrur.

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

“Statement of Ramandeep Kaur daughter of Baljit Singh resident of Salemgarh police station Moonak district Sangrur age 15 years 10Months Mobile No. 98729-57351 stated that I am a resident of the said address and I am studying in class XI at Government Senior Secondary School (Kanya) Moonak. We are two brother and sister, my elder brother is Amandeep Singh, my father is a laborer. On 25/05/2024, I was present alone at my house. My mother had gone to pay obeisance in the dera built in the village and my father like everyday had gone to work as a daily wage earner and my elder brother Amandeep Singh had gone to work at Mahadev Sweets in Tohana city as a daily wage worker. At around 11 o'clock in the morning, my neighbour Balwinder Singh alias Deepa, son of Ramphal Singh, a resident of Salemgarh came to our house through the adjoining roof. I was present in the room of my house when Balwinder Singh alias Deepa suddenly came into my room and locked the door, who raped me against my will and threatened me that if I tell this to anyone, he will harm me



and my family. I did not tell anyone about this from that day. But today I narrated the entire conversation to my mother about the said incident. Today, I along with my mother Pinki Devi and father Baljit Singh were coming to the police station to inform about the said incident, you along with police party met at T point Tohana Barrier Moonak. I have got my statement recorded, heard it and is correct. Correct/- Ramandeep Kaur said, confirmed statement correct/- Pinky Devi wife of Baljit Singh resident of Salemgarh, verified correct /- Amandeep Kaur ASI Moonak Police Station Date 27/06/2024xxxxxxxxx ”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There is an unexplained delay of one month in lodging the FIR. It is also submitted that the material witnesses, including the complainant/victim and her parents, have turned hostile. He further submits that the petitioner has undergone an actual custody of 08 months and 03 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 08 months and 03 days and there is no other case registered against him. He on instructions from ASI Tarsem Lal submits that charges were framed on 09.09.2024 and out of a total of 16 prosecution witnesses, only five have been examined till date. However, it is an undisputed fact that the complainant/victim and her parents have 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



28.06.2024. The material witnesses, including the complainant/victim and her parents, have 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 16 prosecution witnesses, only five 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.**

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

04.03.2025
Kavita

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