



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

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CRM-M-9039-2025 (O&M)

Date of decision: 21.02.2025

Ramandeep Singh @ Rammy

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tarun Hooda, Advocate
and Mr. Vishal Singh, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.41 dated 27.05.2024 registered under Sections 377, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Kathgarh, District S.B.S. Nagar.

2. Tersely put, present case was registered on the statement suffered by victim, wherein he has stated that on 26.05.2024, Chabeel programme was going on in the Gurudwara Sahib of Village Banna and he was performing sewa over there along with other persons. Then at around 07:00 pm, three persons namely Jeevan son of Kala, Rammy (petitioner herein) son of Avtar and Sulekh took him to their house and committed unnatural offence with him one by one. Then he made a noise and on hearing his noise, his father Parminder Kumar came at the



spot and rescued him from the clutches of said persons. Thereafter, all the accused ran away from the spot. Then, his father took him to hospital after arranging the vehicle. Hence, the FIR (supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and similarly situated co-accused of the petitioner namely Jeevan @ Jeevan Kumar has already been granted the concession of regular bail by this Court on 29.01.2025 passed in CRM-M No.3905 of 2025. He refers to the deposition of the victim (Annexure P-2) and submits that the complainant has not supported the case of the prosecution and turned hostile and he has categorically mentioned that the petitioner is not the culprit and he is behind the bars since 27.05.2024 and the petitioner is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 19 prosecution witnesses cited in the list of witnesses, out of which, only 01 PW has been examined till date and the material witness has already been examined and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the victim has specifically named the petitioner and his statement was



recorded by the jurisdictional Magistrate under Section 164 Cr.P.C., and he also identified the petitioner in the Court.

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 from the last 08 months and 05 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 19 prosecution witnesses, only 01 PW has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."



8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Ramandeep Singh @ Rammy, is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

21.02.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No