



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

222

CRM-M-9775-2025(O&M)
Decided on : 26.05.2025

VIJAY SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Gurbinder Sidhu, Advocate for
Mr. Kuldip 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.90 dated 16.05.2024 under Sections 363, 366-A IPC (Section 376 of IPC and Section 4 of POCSO Act added later on), registered at Police Station Sadar Fazilka, District Fazilka.

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

“Statement of Santokh Singh son of Darshan Singh son of Sadhu Singh, resident of Dhani Thane Wala Khuh Dakhli Gandar, Police Station Sadar Fazilka, aged 42 years, Mobile No.xxxx. Stated that I am resident of above said address and engaged in agricultural work. I have three children. Elder than all is daughter xxxxx aged about 17 years, younger to her is Jaspreet Kaur aged about 16 years and youngest than all is son Ramandeep Singh aged about 13 years. My daughter Manpreet Kaur who is studying in 10+2 class in Government School, village Chak Budho Ke and younger daughter Jaspreet Kaur is studying in 11th standard in private school at village Chak Sadian. Last year, both my daughters were studying in Government school at village Chak Budhoke then at that time, our neighbour's son Vijay Singh son of Baljit Singh resident of Dhani Thane Wala Khuh Dakhli Hauj Gandar and his friend Manga Singh son of Sukhdev Singh resident of village Lakho Wali Police Station Vairo Ke were following both my daughters. Upon which, we gathered the Panchayat and got understand both the boys and my daughters and due to this, I had admitted my younger daughter Jaspreet Kaur in private school for study. But even after this, both the above said boys did not stop



following my daughters. Today both my daughters had went to school for study and I came to know that our neighbour Vijay Singh went to school of my elder daughter Manpreet Kaur and when my daughters came back home from school then I got understand my daughters and tried to got understand Vijay Singh on going to his house who told that I cannot stop. At about 3 PM, when I saw at home then both my daughters were not present at home. Then I inquired from nearby places then came to know that Vijay Singh is also not in home. We are searching my daughters Manpreet Kaur and Jaspreet Kaur on our own uptill now. Both my daughters are at present minor. I have a doubt that Vijay Singh son of Baljit Singh resident of Dhani Thane Wala Khuh Dakhli Hauj Gandar by conspiring with his friend Manga Singh son of Sukhdev Singh resident of village Lakho Wali Police Station Vairo Ke have enticed away my daughters Manpreet Kaur and Jaspreet Kaur on the pretext of marriage and I also have suspicion of involvement of Vijay Kumar's family. Today I along with my uncle (Chacha)'s son Chhinder Singh son of Harbans Singh resident of Dhani Thane Wala Khuh Dakhli Hauj Gandar was coming to you for giving information, you have met near Railway crossing Mandi Ladhuka. My daughters Manpreet Kaur and Jaspreet Kaur be got recovered from accused persons and legal action be taken against accused persons. Statement has got been recorded before you, heard which is correct.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner and the prosecutrix were known to each other. He also submits that the petitioner was neither present at the place of occurrence nor did he entice away the daughter of the complainant. There is no eyewitness to the alleged incident who can confirm the allegations so levelled against the petitioner. Learned counsel has also placed on record a copy of the statement made by the prosecutrix before the trial Court, wherein she has turned hostile. He further submits that the petitioner has undergone an actual custody of 01 year and 05 days and there is no other case registered against him.

4. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year



and 05 days and there is no other case registered against him. She on instructions from ASI Gurnam Singh submits that charges were framed on 27.09.2024 and out of a total of 23 prosecution witnesses, only one has 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 20.05.2024. It is not in dispute that the material witness i.e. prosecutrix has been examined as prosecution witnesses and she 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 23 prosecution witnesses cited, only one stand 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

**CRM-M-9775-2025(O&M)****- 4 -**

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

26.05.2025

Kavita

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