



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

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CRM-M-11574-2025

Date of decision : 12.08.2025

Gurmej Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Bhupinder Gupta, Advocate for the petitioner.

Mr. Adhiraj Singh, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail in case bearing FIR No.112 dated 18.07.2024 registered under Section 65 of Bharatiya Nyaya Sanhita, 2023 and Sections 3 & 4 of Protection of Children from Sexual Offence Act, 2012 at Police Station Division B, District Police Commissionerate Amritsar.

2. Status report by way of an affidavit of Dr. Sheetal Singh, PPS, Assistant Commissioner of Police, East, Amritsar City, on behalf of the respondent-State, filed in the Registry is taken on record. As per para 4 of the status report, the victim and the complainant have been duly informed about the pendency of the present petition. However, there is no representation on their behalf.

3. Brief facts of the case are that the mother of the prosecutrix made a statement to the police alleging therein that on 14.07.2024, her daughter, aged about 15 years and 06 months, along with her friend had



gone to Golden Temple. On 15.07.2024, when her daughter returned back, she was silent. On 18.07.2024, in early morning, her daughter was crying and when she asked her about the reason, she disclosed that on 14.07.2024, when she along with her friend had gone to Golden Temple, Gurmej Singh (the present petitioner) also accompanied them. After paying homage, her friend went to the house of her relative and Gurmej Singh told her to take hotel room for stay. He booked the room in Shere Punjab Hotel near Golden Temple. In the said hotel, Gurmej Singh offered her cold drink and after drinking the same, she lost her sense and thereafter, Gurmej Singh took her in the hotel room and committed rape upon her without her consent multiple times. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the prosecutrix and the complainant, who is the mother of the prosecutrix, have not supported the case of the prosecution in their statements recorded before the Trial Court as PW-1 and PW-2, respectively and have turned hostile. In her statement recorded before the Trial Court, the prosecutrix has stated that she do not know the accused shown through video conferencing and she saw him for the first time. He never committed any wrong act with her at any point of time.

5. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 28.08.2024 and not involved in any other case. He also submits that investigation in the present case is

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complete; challan stands presented; charges have been framed and out of total 22 prosecution witnesses, only 05 have been examined so far. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

6. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. The petitioner has committed rape upon the minor prosecutrix without her consent. However, he could not refute the factual position that out of total 22 prosecution witnesses, only 05 have been examined so far. He has also filed custody certificate dated 11.08.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars since more than last 11 months and he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the record.

8. Keeping in view the custody period of petitioner which is 11 months and 13 days and the facts that the prosecutrix and her mother have not supported the case of the prosecution by turning hostile before the Trial Court wherein both have suffered statements to the effect that on the day of incident i.e. on 14.07.2024 the prosecutrix was at home; investigation has been completed; challan has been presented; charges have been framed and out of total 22 prosecution witnesses, only 05 have been examined so far; the petitioner is not involved in any other



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case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The petition stands disposed of accordingly.
10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

12.08.2025

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**(NAMIT KUMAR)
JUDGE**

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