



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

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**CRM-M-13346-2025(O&M)
Decided on : 18.03.2025**

JOGINDER SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. R.S.Thind, DAG Punjab.

Ms. Pooja, Advocate for respondents No.2 & 3.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.299 dated 15.08.2020 under Sections 363, 366-A of IPC, registered at Police Station Civil Line Batala, District Gurdaspur.

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

“Statement of Paramjit wife of Kulwant Singh resident of Staff road, Murgi Mohalla Batala, Stated that I am resident of above mentioned address and doing the work of laborer, I have two sons and two daughters, my previous husband namely Balwinder Singh has expired and I have performed marriage with Kulwant Singh son of Hansa Singh resident of Murgi Mohalla ,I have two daughters and one son from my previous marriage who are residing with me. My daughter Arti daughter of Balwinder Singh whose date of birth is 21.10.2003 and who was studying in 8th class in DAV School Murgi Mahalla, Joginder Singh son of Saudagar Singh who is our relative has enticed my daughter on 31.07.2020 at about 11 PM on the pretext of marriage, till now I have searched my daughter of my own level but she could not found, now I was coming to you for given the information, you met me action be taken, action be taken against the accused person and my daughter may be returned to us, statement heard which is correct ed Paramjit attested SI Amandeep Kaur PP Simble Batala dated 15.08.2020.”



3. Learned counsel for the petitioner *inter alia* contends that the petitioner had been falsely implicated in the present case. He submits that the matter has been amicably settled between the parties, and reliance is placed on the compromise deed dated 19.02.2025 (Annexure P-3). He further submits that a quashing petition, vide CRM-M-11804-2025, has been filed on the basis of the said compromise, in which notice has already been issued. It is also submitted that both parties had solemnized marriage and have been blessed with a daughter. He further submits that the petitioner has undergone an actual custody of 01 month 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 01 month and 03 days and there is no other case registered against him. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. A perusal of the case in hand transpires that the petitioner is behind the bars since 14.02.2025. The petitioner has since solemnized marriage with respondent No. 3, and they now have a daughter. The matter has been amicably settled, and a quashing petition has been filed, which is currently pending adjudication. Investigation is complete. 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. 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

18.03.2025

Kavita

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