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

**CRM-M-14522-2025
Date of decision: 07.05.2025**

BOOTA SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.162 dated 12.09.2024, under Sections 64, 108 of BNS, 2023 and Section 4 of the POCSO Act, registered at Police Station Bhikhi, District Mansa, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody from 19.09.2024, which is more than 7 months and the material witnesses i.e. the complainant, who is the father of the deceased and mother of the deceased have been examined. He further submitted that the allegations against the petitioner were that he was having relationship with the daughter of the complainant, who was of the age of 17 years and committed suicide by consuming some poisonous substance. He further submitted that the ingredients



of Section 108 of BNS, 2023 are not made out on the face of it because instigation qua the present petitioner is not made out by way of any evidence. He further submitted that there is neither any suicide note nor any recording or any such material to show that the deceased committed suicide because of the petitioner and therefore, at this stage, it cannot be ascertained as to what was the cause of committing suicide in the absence of any suicide note or any other relevant material on the record. He also submitted that be that as it may, now the material witnesses have been examined and in fact they have not supported the prosecution version and have been declared hostile and these two material witnesses are the father of the deceased, who is the complainant in the present case and the mother of the deceased and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gaurav Gurcharan Singh Rai, Senior DAG, Punjab submitted that it is correct that the petitioner is in custody for more than 7 months and it is also correct that the aforesaid two material witnesses, who are the parents of the deceased have been examined and they have not supported the prosecution version and have been declared hostile.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody from 19.09.2024, which is more than 7 months and as per the learned counsels for the parties, the complainant, who is the father of the deceased and the mother of the deceased have not supported the prosecution version and they have been declared hostile. As per the learned counsels for the parties, there is neither any suicide note available nor any other material on the record to show whether there was any



instigation on the part of the petitioner or not and therefore, this Court would not make any observation on the merits of the present case and only for the purpose of considering the prayer of the petitioner for grant of regular bail would see the custody of the petitioner, stage of the trial and alleged role of the petitioner in the present case.

6. Therefore, considering the aforesaid facts and circumstances of the present case pertaining to the custody of the petitioner, stage of the trial and also the fact that the parents of the deceased have not supported the prosecution version and have been declared hostile, this Court deems it fit and proper to grant the concession of regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. 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.

07.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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