

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(214)

CRM-M-14403-2025 (O&M)
Date of Decision: 29.10.2025

Amrik Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shantanu Bansal, Advocate
for the petitioner.

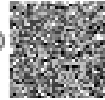
Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.138 dated 23.08.2024 under Sections 354, 354-A and 506 of IPC and Section 8 of POCSO Act, registered at Police Station Lehra District Sangrur.

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

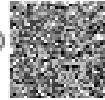
“Copy of Statement. Statement of xxxxx aged about 16 Years daughter of Late Tarsem Singh resident of Khiala Kalan, District Mansa now daughter of Buta Singh son of Labh Singh resident of Khokhar Khurd, Police Station Lehra, District Sangrur; Mobile No. 99155-xxxxx. Stated that I am resident of above address. I am studying in 12th Class. Earlier marriage of my mother was solemnized with Tarsem Singh resident of Khiala Kalan. I born after five months of the death of my father. Second marriage of my mother was solemnized in the year 2008 with Buta Singh son of Labh Singh resident of Khokhar Khurd. At that time my mother bought me along with her from Khiala Kalan to Khokhar Khurd. At that time I was about 4 months old. In October, 2023, Amrik Singh son of Ram Singh resident of Khokhar Khurd, who is son of my father's Chacha/uncle and is my Uncle/Chacha in relation, he came to our home and after



holding my arm, he throw me on bed and tried to kiss me and tried to open buttons of my shirt. I escaped myself from his clutches and ran to the room of my grandmother. I told about it to my family members but they held me at fault. My grandmother told me to not to tell this to my father. My mother xxxxxx is telling lie that nothing like this has happened. I told everything that happened with me to my Uncle/Taya Raghvir Singh & Aunti/Tayi xxxx residents of Khiala Kalan, who heard me. Now from dated 26th May, 2024 am residing at Khiala Kalan with my Uncle/Taya Raghvir Singh & Aunti/Tayi xxxxx. Now I am pursuing my 12th Class from Government Senior Secondary Smart School (Girls), Khaial Kalan, District Mansa. Amrik Singh told me that if you tell this to anyone, then he will kill me. Due legal action be taken against Amrik Singh. Statement has been recorded to you, I have read it, I found it correct. Sd/- xxxxxx Narrator. xxxxx aforesaid. Ascertained by Sd/- Raghvir Singh son of Nachattar Singh resident of Khiala Kalan, District Mansa; Mb.: 99155-04244. Sd/ Jatinder Kaur SI, Police Station Lehra dated 23.08.2024.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix. It is submitted that the instant FIR has been registered after an unexplained delay of 10 months on false and baseless allegations. It is further submitted that the complainant, at the behest of her uncle Raghvir Singh has registered the instant FIR with an ulterior motive to usurp the property. He further submits that the petitioner has undergone an actual custody of 9 months and 8 days and has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She has filed affidavit of Mr. Deepinderpal Singh, PPS, Deputy Superintendent of Police, Sub Division, Lehra, District Sangrur, which is taken on record. It is submitted that as per the said affidavit the petitioner was actively involved in the commission of the offence and the victim has fully supported the case of the prosecution. She has also filed custody certificate in Court today and the same is also taken on record. As per custody certificate, the petitioner has undergone an actual custody of 9 months and 8 days. Investigation is



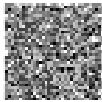
complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 10.02.2025 and out of a total of 14 prosecution witnesses, only 3 have been examined. She submits that in view of the serious allegations 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. Admittedly, the charges were framed on 10.02.2025 and out of total 14 prosecution witness, 3 have been examined till date. The petitioner has undergone actual custody of 9 months and 8 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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 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 him 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.
10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

October 29, 2025
Ithlesh

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