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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-16037-2025 (O&M)
Date of decision: 27.03.2025

NARATA SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Aminder Singh, Advocate
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH. J.(Oral)

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 04.12.2023, under Sections 363, 366-A and 376 (2) (n) of IPC and under Section 6 of the POCSO Act added later on registered at Police Station Moonak, District Sangrur.

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

“Statement of Sukhwinder Singh s/o Jagroop Singh R/o Ladha Patti Balran PS Moonak District Sangrur aged about 50 years M. No. 98723 78443. Stated that I am a resident of the aforesaid address and do agriculture work. I have two children. Elder son namely Harpreet Singh aged around 19 years and daughter Jaspreet Kaur aged around 17 years who is 12th class pass and is now doing household work. Yesterday on 03.12.23 at about 9.00 at night our whole family had dinner and went to sleep. That around 1.00 at night when I got up to go to the bathroom I saw that my daughter JaspreetKaur was not present on her bed. We searched a lot for our



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daughter Jaspreet Kaur, but we did not get any clue of daughter Jaspreet Kaur. I enquired about that on my level and I came to know that one boy of our village Namely Narat Singh s/o Mara Singh r/o Ladha Patti Balran had mislead my daughter Jaspreet Kaur with false promise of marriage and has taken her away. Today with regard to this I alongwith Amandeep Singh s/o Maan Singh r/o Ladha Patti Balran has come present and got recorded my statement and heard it and is correct. ”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that there are material improvements in the version of the prosecutrix, since the allegations of rape and beatings levelled against the petitioner find no mention in her statement under Section 164 Cr.P.C but were mentioned only during the cross-examination. He also submits that the victim had initially refused in writing for the conduct of her medical examination, which then took place after the lapse of 10 days. The petitioner has undergone a long custody of 01 years, 02 months and 06 days and there is no other case registered against the petitioner.

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 years, 02 months and 06 days and there is no other case registered against the petitioner. He on instructions submits that charges were framed on 06.04.2024 and out of a total of 17 prosecution witnesses, only five have been examined till date. However, given the grave allegations against the petitioner, he does not deserve the concession of bail.



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5. 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 20.01.2024. 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 17 prosecution witnesses, only five have been 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 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.

6. 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.

- 7. 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.
- 8. 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.
- 9. Pending application(s), if any, also stands disposed of accordingly.

27.03.2025
amandeep

(KIRTI SINGH)
JUDGE

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