

CRM-M-16904 of 2025

2025:PHHC:078654



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

CRM-M-16904 of 2025
Date of decision: 03.07.2025

Kalu alias Bagicha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.S. Dhillon, Advocate,
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

NAMIT KUMAR, J.

1. Instant second petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.86 dated 03.07.2023 registered under Sections 376(2) N/506 IPC and Sections 3, 4 of the Protection of Children from Sexual Offences Act at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Present FIR has been registered against petitioner on the basis of statement of Jagtar Singh son of Jagan Singh that he is a labourer and has two daughters. His younger daughter/victim aged about 16 years, studying in 9th class, used to reside with his sister Rani alias Tarsem wife of Baj alias

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Gurbaj Singh resident of Panniwala Fatta. On 22.06.2023, when he got up at about 1 a.m. for passing urine, he saw that the victim was not on her cot and the main gate of the house was lying opened. He came out at the outer gate of his house and saw that his daughter was lying unconscious. Then he awoke his wife and took his daughter to Civil Hospital, Bathinda and after that she was admitted to AIIMS Hospital, where the Doctor disclosed that his daughter was pregnant but the fetus has come out before time. He went to the victim, who disclosed him that on 13.01.2023, the son of his sister Kalu alias Bagicha Singh (petitioner) has committed penetrative sexual assault upon her person forcibly and without her consent and has clicked her photographs. On the pretext of photographs he had blackmailed her and committed sexual intercourse forcibly numerous times. On these allegations, FIR has been registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner has not committed the offence alleged in the FIR. Learned counsel further submitted that investigation in the present case is complete; challan has been presented; charges have been framed and out of 26 prosecution witnesses, 08 have been examined. He further submitted that the material witnesses i.e. mother and complainant/father of the victim have turned hostile. He further submitted that even the victim has not supported the case of the prosecution in her statement under Section 164 Cr.P.C. He further submitted that the matter has been compromised between the parties. He further submitted that the petitioner is behind bars since 05.07.2023 i.e.

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for the last about two years. He further submitted that the petitioner is not involved in any other case. He further submits that trial may take a considerable time to conclude and there is no likelihood of tampering with the evidence, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel while producing the custody certificate dated 02.07.2025, has opposed the prayer for grant of regular bail to the petitioner on the ground that petitioner has committed the heinous crime of rape and impregnated the daughter of the complainant, therefore, he does not deserve the concession of regular bail.

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

6. Keeping in view the custody of the petitioner, which is 01 year, 11 months and 25 days; investigation in the present case is complete; challan has been presented; charges have been framed and material witnesses have been examined and they have not supported the case of the prosecution and have been declared hostile; matter has been compromised between the parties and the conclusion of trial may take a long time, however, without commenting upon the merits of the case, 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.

7. The petition stands disposed of accordingly.

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

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purpose of deciding the present petition only.

03.07.2025
R.S.

(NAMIT KUMAR)
JUDGE

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