



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

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**CRM-M-17699-2025(O&M)
Decided on : 29.04.2025**

KALA SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Piyush Setia, Advocate
for the petitioner(s).

Mr. R.S.Thind, DAG Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.182 dated 26.10.2024 under Sections 137(2) and 96 of BNS registered at Police Station Lambi, District Sri Muktsar Sahib.

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

“Statement of Pappi Singh, son of Balwant Singh, son of Maghar Singh, resident of Tarmala, aged about 45 years, Mobile: 9041174824. stated that I am a resident of the above address and work as a labourer. I got married to Manpreet Kaur daughter of Kaur Singh, resident of Samaan Khera, District Ganganagar about 22 years ago. We have three daughters and one son. The eldest daughter is Mandeep Kaur, aged about 21 years, the second daughter is Ramandeep Kaur aged about 18 years, the third daughter is Gurpreet Kaur, born on 21.08.2008, and the youngest son is Lavpreet Singh, aged about 15 years. All the children are unmarried. My daughter Gurpreet Kaur studies in 9th grade. On 19.10.24, after having dinner with my family, we all went to sleep. The next day, around 7:00 AM, my wife made tea and went to wake up the children. She found that Gurpreet Kaur was not on her bed. My wife told me about this, and my wife and I searched for Gurpreet Kaur, but we could not find her anywhere. I have now come to know that Babbu Singh son of Masha Singh along with his sister Kindri daughter of Masa Singh wife of Kala Singh, and Kala Singh son of unknown, residents of Tarmala, have enticed and kidnapped my minor daughter Gurpreet Kaur with the promise of marriage. My



daughter's description is as follows: Date of birth 21.08.2008, height approximately four and a half feet, whitish complexion, and a white patch on her left ankle. I have been searching for my daughter on my own, but I have not found her anywhere. Today, I, along with my wife Manpreet Kaur, and Gurpreet Kaur member of the Panchayat, have come to Police Post Bhai Kera to report this matter. I request that my daughter be found and returned to us, and action be taken against the accused, Babbu Singh son of Masha Singh, Kindri, daughter of Masa Singh, wife of Kala Singh, and Kala Singh, son of unknown, residents of Tarmala. I have heard and understood my statement, and it is correct. I am the complainant, please take action.”

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case merely on account of being the brother-in-law of the main accused, who has been accused of enticing away the daughter of the complainant. It is submitted that there is an unexplained delay of six days in lodging the FIR. Further that neither was the petitioner present at the place of the alleged occurrence, nor was he involved in the same. The petitioner has undergone an actual custody of 04 months and 17 days. It is also submitted that the petitioner has clean antecedents and no other criminal case is 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 04 months and 17 days and there is no other case registered against him. He on instructions submits that charges were framed on 13.03.2025 and out of a total of 16 prosecution witnesses, only one witness i.e. complainant has been examined till date. 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. 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 09.12.2024. Investigation is complete. The final report under Section 173 Cr.P.C. has been presented before the concerned Court and trial of the case has not made much progress. The petitioner has undergone a period of 04 months and 17 days and is not involved in any other criminal case. 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 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

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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

29.04.2025
Kavita Nain

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