



CRM-M-20364-2025(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-20364-2025(O&M)
Decided on: 20.05.2025

Gurlal Singh @ Lali

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Manpreet Singh, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.0109 dated 11.11.2024, under Sections 137(2) and 96 of BNS, registered at Police Station Model Kabarwala, District Shri Muktsar Sahib.

2. The contents of the aforesaid FIR are reproduced herein below:-

“Statement of Lakhwinder Singh son of Dalip Singh aged 48 years resident of village Kolian Wali. Mobile No. 80549-11709. Stated that I am resident of aforesaid address and I do labour work. I have three children. Elder son is Akashdeep Singh, younger daughter is Pooja Rani who is 16-17 years old and youngest son is Sorabhjot Singh. On 06.11.2024 at around 12:00 PM my daughter went somewhere without informing anyone. I and my relatives searched about her at various places. I did not get any information about her. Regarding which today I come to know that Gurlal Singh @ Lali son of Charanjit Singh resident of village Dabhwali Malkoki has abducted my daughter Pooja Rani on the pretext of marrying her. My daughter be searched and legal action be taken against Gurlal Singh. I have recorded my statement, heard and which is correct. Sd/ Lakhwinder Singh, Present Sd/- Rashpal Singh son of Lakhmir Singh resident of village Kolian Wali. Attested sd/”



3. Learned counsel appearing for the petitioner *inter alia* submits that petitioner has been falsely implicated in the present FIR, which was lodged after a delay of 5 days, on the statement of father of the victim. He submits that the victim in her statement (Annexure P-2) has not supported the case of the prosecution and stated therein that she went with the petitioner on her own free will. The petitioner has undergone an actual custody of 05 months and 14 days and there is no other case registered against him.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate and reply in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 05 months and 14 days. He on instructions from investigating officer submits that charges were framed on 13.03.2025 and out of total of 15 prosecution witnesses; only 1 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 05.12.2024 and has no other case registered against him. Investigation is complete. 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 charges were framed on 13.03.2025 and out of total of 15 prosecution witnesses, only 1 has been examined. The material witness i.e. complainant has been examined. 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. Accordingly, 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 she 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/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.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

20.05.2025

Kapil

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No