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

**CRM-M-23680-2025  
Date of decision: 07.05.2025**

**GURNAIB SINGH**

**...Petitioner(s)**

**VERSUS**

**STATE OF PUNJAB**

**...Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Vipin Mahajan, Advocate  
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Senior DAG, Punjab.

Mr. Vishal Munjal, Advocate  
for paternal uncle of the complainant-victim.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.39 dated 16.05.2024, under Section 376 of the IPC and Section 4 of the POCSO Act, registered at Police Station Ramdass, District Amritsar Rural, Punjab.
2. Learned counsel for the petitioner submitted that it is a case where the petitioner is in custody for more than 7 months and the present FIR was lodged against him at the instance of a minor girl of the age of 16½ years by stating that she was allured by the petitioner, who thereafter committed rape upon her. He further submitted that false FIR was registered against the petitioner under pressure from the relatives of the complainant-victim because



the petitioner and the aforesaid complainant-victim were in a relationship with each other and rather they were waiting for the complainant-victim to attain the age of 18 years. He further submitted that the father of the complainant-victim has died and now she is residing with her paternal uncle, namely, Gurdial Singh and paternal aunt, namely, Hardeep Kaur. He also submitted that now when the aforesaid paternal uncle has deposed before the learned trial Court, he has not supported the prosecution version and even the complainant-victim has not supported the prosecution version and they have been declared hostile and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gaurav Gurcharan Singh Rai, Senior DAG, Punjab submitted that it is correct that the petitioner is in custody for more than 7 months. He further submitted that the allegations against the petitioner were with regard to enticing away a minor girl of the age of 16½ years and therefore, he is not entitled for the grant of regular bail.

4. Mr. Vishal Munjal, Advocate has appeared on behalf of the paternal uncle of the complainant-victim and the complainant and has filed his power of attorney as well as the affidavit of the uncle of the complainant-victim in the Court today, which are taken on record. He further submitted that there was a relationship between the petitioner and the complainant-victim and rather they now intend to marry each other once the complainant-victim attains the age of majority i.e. 18 years.

5. After hearing the learned counsels for the parties and especially considering the aforesaid submissions made by the learned counsel for the paternal uncle of the complainant-victim and the fact that at the time of



deposition before the learned trial Court, the complainant-victim and her paternal uncle did not support the prosecution version and have been declared hostile, this Court deems it fit and proper to grant the concession of regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

**07.05.2025**  
Chetan Thakur

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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