



CRM-M-25915-2025

1

217

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25915-2025

Decided on: 16.05.2025

Daljinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Birinder Pal, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. 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.07 dated 26.01.2025, registered under Sections 64, 332(b), 351(2) BNS (corresponding to Sections 376, 450, 506 IPC and Section 6 of POCSO Act, 2012 (Section 64 of BNS and Section 6 of POCSO was later on deleted and Section 74 of BNS (corresponding to Section 354 IPC) and Section 8 of POCSO Act was added) at Police Station Khamano, District Fatehgarh Sahib, Punjab.

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

“Copy of statement. Statement of Harjinder Kaur, wife of Malkit Singh, resident of village Badi Nainowal, Police Station Khamano, District Fatehgarh Sahib aged around 55 years mobile No.94645-



CRM-M-25915-2025

2

64549. Got her statement recorded that I am a resident of the said address and do housework. I have a daughter named XYZ (born on 31.8.2010) who is studying in 9th Class at Baba School Jhar Sahib. On 25.1.2025 parents house at Pyaara Singh went to my I Ludhiana to take medicine. My husband Malkit Singh and my daughter XYZ were in the house and on today at 10.50 AM, my daughter XYZ called me who told me that at 9.30 AM, papa had gone to Bahlolpur to listen to Santsang, so I was alone in the house when I opened the door, then Daljinder Singh, son of Sukhvir Singh, a resident of village Nainowal Kala, Police Station Khamano, District Fatehgarh, entered the house who kept his hand on my mouth and held me and I was taken to the bedroom inside my house where the person who raped me against my will forcibly and when I shouted me to cry and then the said Daljinder Singh ran away threatening to kill me and then I immediately reached my village from my parents house and took my daughter and admitted her to the Civil Hospital for treatment. Regarding which today I have come to the police station to inform you. Please take legal action against Daljinder Singh. I have got my statement recorded with you, read it, heard it and found it to be correct. SD/- Harjinder Kaur aforesaid Attested SD/- Baljeet Kaur SI Police Station Khamano Dated 26.01.2025. Police Proceedings- Today I SI was present at the police station, then a doctor report of the victim XYZ was received and Harjinder Kaur, wife of Malkit Singh, resident of village Badi Nainowal, Police Station Khamano, District Fatehgarh Sahib recorded her statement with I SI The statement was recorded and read. She read and heard her statement and believed it to be correct. She signed the statement below in Punjabi which was verified by SI Baljit Kaur No. 573/FGS. From the statement offence U/s 332 (b) 64,3 1(2) BNS, 06 POCSO Act 2012 is found occurred. The statement was handed over to to have the officer in-charge of the police station for getting a case registered against Daljinder Singh. The FIR number be informed after being registered. Special reports be issued. Senior officials be informed through wireless message. I L/SI along



with colleagues am going for doing investigation. SD/- Baljit Kaur SI Police Station Khamano Dated 26.01.2025 At Police Station Khamano at 08:00PM. On receiving the statement aforesaid FIR in regard to aforesaid offence was registered against Daljinder Singh aforesaid. Copies of FIR and special reports are being sent in the hands of Constable Bhupinder Singh No.359/FGS in the service of Ilaka Magistrate and senior officials. In-charge control room Fatehgarh Sahib is being informed separately through e-mail. Original statement and copy of FIR are being handed over to Lady Constable Kumari Sareena No.1130/FGS is being sent to SI Baljit Kaur No.573/FGS on the spot for doing investigation.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the mother of the victim. In the initial statement of the victim, she levelled allegations against the petitioner, but retracted from the same in her supplementary statement, whereby she categorically stated that her earlier statement was made erroneously and that the petitioner had not committed rape upon her. Even in her statement recorded under Section 183 BNSS, the victim stated that the petitioner was her friend and had committed no wrong act with her. Even the evidence of the MLR of the victim is in favour of the petitioner since the allegations levelled against the petitioner are not supported. Learned counsel submits that the petitioner has undergone an actual custody of 03 months and 17 days and there is no other case pending against him.

4. Per contra, learned State counsel on instructions submits that charges were framed on 26.01.2025 and the investigation is complete. He further submits that petitioner has undergone an actual custody of 03 months and 17 days and there is no other case pending against him. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.



CRM-M-25915-2025

4

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is in custody since 28.01.2025 and has undergone an actual period of custody of 03 months and 17 days. There is no other case pending against him and the investigation is complete. 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 him 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 miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

14.05.2025
reena

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