



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

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**CRM-M-26293-2025(O&M)
Decided on: 10.07.2025**

IRSHAD ALAM

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Aditya Dassaur, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Vikas Sharma, Advocate for complainant.

KIRTI SINGH, J. (Oral)

1. 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.33 dated 15.03.2025, under Section 96 and 137(2) of BNS registered at Police Station City Balachaur, District SBS Nagar.

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

“Statement of Rafekha son of Jahid Resident of Ward No. 4 Near Sabji Mandi Balachor Police Station City Balachor Age about 40 years 7500282520. Stated that I am a resident of the said address. I work by selling clothes. I have 2 sons and 3 daughters. My youngest daughter xxx age 12 years whose date of birth is 02.04.2014 my daughter is minor. On 27-2-2025 at 11 o'clock in the night, Irshad son of Haji Hussain, resident of Ward No. 4 Balachaur Police Station City Balachor living in a rented house in our neighbourhood, took my minor girl xxxx 12 years old to his native village Bakhria Police Station Majholia District Betiya (Bihar) on the pretense of marriage. Who has kept my daughter with him. I have come to inform you. Legal action should be taken against Irshad son of Haji Hussain resident of Ward No. 4 Balachor PS City Balachor. My minor daughter should be recovered. I have got my statement recorded tyo you, heard it is correct.”

3. Learned counsel for the petitioner submits that the petitioner, a young man aged 20 years, has been falsely implicated in the present case on the statement of the mother of the prosecutrix, alleging therein that the



petitioner had enticed away the prosecutrix on the pretext of marriage. It is submitted that the prosecutrix in her statement recorded under Section 164 of the Cr.P.C., categorically stated that the petitioner did not induce/entice her in any way and that she had left her home on her own free will. The petitioner is in custody since 02.04.2025 and his custody period is 03 months and 07 days and petitioner has clean antecedents.

4. Learned counsel for the complainant has not disputed the submissions advanced by learned counsel for the petitioner.

5. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 03 months and 07 days and there is no other case registered against him. She on instructions from investigating officer submits that challan stands presented on 14.05.2025 before learned trial Court. She, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 02.04.2025. 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 challan was presented on 14.05.2025 and charges are yet to be framed. 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.**

8. 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.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

10.07.2025

Kavita

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