



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

**CRM-M-27541-2025
Decided on: 28.08.2025**

DEVINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. P.S. Guliani, Advocate for complainant.

KIRTI SINGH, J. (Oral)

1. This is petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.63 dated 16.07.2024, under Sections 376, 376(2) of IPC and Section 6 of POCSO Act, 2012, and Sections 67, 67-A of IT Act, registered at Police Station Khanauri, District Sangrur.

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

“Copy of Statement: Statement of xxxx daughter of Suresh Kumar resident of Anandana police station Khanori District Sangrur age 19 years Mo: No:73557-xxxxx, stated that I am a resident of the said address. I am doing B.A. First from Guru Nanak Public College Khanauri. In the year 2021, when I was studying in class 10, I became friends with a boy from my village, Devinder Singh, son of Krisan Kumar, who started pressuring me to meet him. Who first forcibly took me to his field motor in April 2021, where he had physical relations with me and I did not know when he also made a video of me and took a photo of me naked. After that I stopped talking to him. Then Devinder Singh told me that I have your videos and photos, if you don't talk to me, I will put your videos and photos on the groups and internet. I was scared and started talking to Davinder Singh again for fear of disgrace. After the conversation, he repeatedly molested me by threatening me. On 20/02/2024, the said Devinder Singh threatened me that if you do not meet me, I will put your video and photo on the internet. I



nervously prepared to meet him who took me to his attic room in his house and had physical relations with me. He is repeatedly pressuring me for physical relations and run away from home to get married. I refused to meet him, then said Devinder Singh angrily sent my obscene videos and naked photos to my father and my uncle Madan Lal on WhatsApp and other groups of the village and on internet. I and my family were not talking to anyone for fear of defamation, but now again said Devinder Singh is threatening to have physical relations and defamation. Today I alongwith my father was coming to inform you that you have met us at the sahara Club Khanauri with the Police Party. xxxx”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the statement of the prosecutrix, alleging that the petitioner developed physical relations with her, made video of the same and also clicked her photographs. It is submitted that there is no medical evidence to substantiate the allegations levelled in the FIR. Further, the prosecutrix and her father have also turned hostile. The petitioner, is in custody since 18.07.2024, and has already faced a prolonged incarceration for a period of 1 year 01 month and 09 days till date; and there is no other case registered against him.

4. *Per contra* learned State counsel as well as learned counsel for the complainant have opposed the bail and submit that there are serious allegations against the petitioner. Learned State counsel 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 1 year 1 month and 9 days and there is no other case registered against him. She on instructions, submits that charges were framed on 03.10.2024 and out of total of 21 prosecution witnesses, only 05 witnesses have been examined till date. She, 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 18.07.2024. 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 03.10.2024 and out of a total of 21 prosecution witnesses, only 05 witnesses have been examined till date. Moreover, the material witnesses have turned hostile. 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. The grant of bail is warrants drawing a delicate balance of competing legal and societal interests. It is settled law that personal liberty of an individual, a cherished constitutional guarantee, cannot be taken away except in accordance with the procedure established by law. A person accused of committing non-bailable offences can be detained in custody during the pendency of the trial, unless enlarged on bail. However, exercising judicial discretion in bail matters, Courts must be guided by a calibrated assessment of factors such as the nature and gravity of the offence so alleged, the strength of the prima facie case, the likelihood of the accused fleeing justice, tampering with evidence or influencing witnesses, and the overarching interest in ensuring that the trial proceeds fairly and without obstruction.

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. Meanwhile, learned trial Court is encouraged to conclude the trial expeditiously.

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

(KIRTI SINGH)
JUDGE

28.08.2025

Ithlesh

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