



215

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

**CRM-M-28285-2025
Date of decision: 27.05.2025**

JAGDEEP SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kuldeep Singh Ahluwalia, Advocate
for the petitioner.

Mr. Gurpartap S. Bhullar, Asst. A.G., Punjab.

Mr. Ishan Thakur, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.07 dated 14.01.2023, under Section 376 of the IPC, registered at Police Station Joga, District Mansa, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years and 4 months and 2 prosecution witnesses have been examined out of total cited 12 prosecution witnesses. He further submitted that it is a case where the allegations against the petitioner were that he abducted the complainant and committed rape upon her. He further submitted that a perusal of the FIR would show that the complainant was a consenting party and when



the relationship turned sour, the present FIR was lodged to implicate the present petitioner. He also submitted that even otherwise also, the petitioner has already faced incarceration for 2 years and 4 months and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurpartap S. Bhullar, Asst. A.G., Punjab submitted that it is correct that the petitioner is in custody for 2 years and 4 months and only 2 prosecution witnesses have been examined till date. He has however opposed the grant of regular bail to the petitioner on the ground that the allegations against the petitioner were pertaining to rape and were serious in nature and there is an apprehension that in case the petitioner is released on regular bail, then he may abscond from justice or may influence the remaining witnesses. He also submitted that the petitioner is a habitual offender and is involved in three more cases, out of which in one case under the Arms Act, he is facing trial and he has already been convicted under Section 224 of the IPC.

4. Mr. Ishan Thakur, Advocate has put in appearance on behalf of the complainant and has filed his memo of appearance in the Court today. He has also opposed the grant of regular bail to the petitioner and submitted that the present is a fourth successive regular bail petition filed by the petitioner and referred to the earlier orders passed by the Coordinate Bench of this Court vide Annexure P-7, Annexure P-8 and Annexure P-9. While drawing the attention of this Court to Annexure P-7, he submitted that in the present FIR itself, when the petitioner was produced before the Court by the police in police custody, he escaped from the police custody and absconded and thereafter, he was arrested. He further submitted that in view of the aforesaid facts and circumstances, the



petitioner does not deserve the concession of regular bail. He also submitted that the aforesaid apprehension which has been expressed by the learned State counsel that the petitioner can again escape cannot be ignored.

5. At this stage, learned counsel for the petitioner submitted that so far as the conduct of the petitioner with regard to escaping from the police custody is concerned, he has already been convicted and he has already undergone the sentence with regard to the same and therefore, the aforesaid cannot become a ground for denial of regular bail to the petitioner.

6. I have heard the learned counsels for the parties.

7. It is a case where the petitioner is in custody for 2 years and 4 months and the present is a fourth successive regular bail petition filed by the petitioner. The allegations against the petitioner were pertaining to rape. It was argued by the learned counsel for the petitioner that the complainant was a consenting party. However, for the purpose of consideration of grant of regular bail to the petitioner, all the relevant factors are to be seen especially with regard to the previous conduct of the petitioner in the present FIR. It is not in dispute that in the present FIR itself, when the petitioner was produced before the Court in police custody, he escaped from the police custody and absconded and thereafter, he was arrested on 21.06.2023. Considering the previous conduct of the petitioner, an apprehension has been expressed by the learned State counsel that there is a likelihood that in case the petitioner is released on regular bail, then he may again abscond or may influence the remaining witnesses. This Court is of the view that notwithstanding the fact that the petitioner has faced incarceration for 2 years and 4 months but considering the aforesaid factual



position which is not controverted by any of the learned counsels for the parties that the petitioner was convicted for escaping from police custody in the present FIR itself and he absconded and thereafter, he was arrested and also in view of the aforesaid apprehension expressed by the learned State counsel, the petitioner does not deserve the concession of regular bail.

- 8. Consequently, the present petition is hereby dismissed.
- 9. 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.

27.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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