



214

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

**CRM-M-28825-2025
Date of decision: 28.05.2025**

GURJANT SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Shubreet Kaur, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

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.97 dated 09.08.2024, under Sections 313, 323, 376 (2)(n) and 506 of the IPC, registered at Police Station City Patti, District Tarn Taran, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 9 months and 13 days and the investigation of the case has been completed and thereafter, challan has been presented before the competent Court. She further submitted that the charges in the present case were framed by the learned trial Court on 26.11.2024 and almost 6 months have elapsed after the framing of the charges but no prosecution witness has been examined till date. She further submitted that for a number of times the matter was adjourned for summoning the prosecution witnesses including the complainant but despite issuance of summons, the complainant failed to appear



and depose before the learned trial Court and there was no justification with regard to the same.

3. Learned counsel for the petitioner further submitted that it is a case where the allegations against the petitioner were that he being a distant relative of the complainant had developed relationship with her. She further submitted that the complainant herself is a lady of matured understanding of the age of 27 years and is already married and she had a matrimonial dispute with her husband and the allegations were that the petitioner has forcibly developed relationship with her. She further submitted that in fact the petitioner has been falsely implicated in the present case by the complainant to extort money from him. She also submitted that considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

4. On the other hand, Mr. Karunesh Kaushal, AAG, Punjab submitted that it is correct that the petitioner is in custody for 9 months and 13 days and charges were framed by the learned trial Court on 26.11.2024 but no prosecution witness has been examined till date. He has however submitted that the mere fact that the prosecution witnesses especially the complainant is not coming forth for deposing before the learned trial Court for the last 6 months would not mean that the petitioner will be entitled for the grant of regular bail. He also submitted that at the most a direction can be issued to the learned trial Court for further summoning the complainant in a time bound manner.

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

6. It is a case where the petitioner is in custody for 9 months and 13 days and as per the learned counsels for the parties, the charges were framed by the learned trial Court on 26.11.2024, which is almost 6 month ago and none of



the prosecution witnesses has been examined till date. So far as the argument which has been raised by the learned State counsel that at the most a direction can be issued to the learned trial Court for further summoning the complainant in a time bound manner is concerned, the same is not sustainable. No such direction can be issued to the learned trial Court as to how the trial is to be conducted. The present petition has been filed only for the purpose of consideration of grant of regular bail. As per the facts and circumstances so stated in the FIR and by the learned counsels for the parties, the complainant is a lady of matured understanding of the age of 27 years and is already married and had a matrimonial discord with her husband. The allegations against the petitioner were with regard to developing physical relationship with the complainant.

7. After hearing the learned counsels for the parties and considering the aforesaid stage of the case and the custody of the petitioner, this Court is of the view that the petitioner deserves the concession of regular bail.

8. 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.

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.

(JASGURPREET SINGH PURI)
JUDGE

28.05.2025
Chetan Thakur

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