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

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**CRM-M-31072-2025(O&M)
Decided on: 03.07.2025**

Jatinder Singh alias Ajay

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vikas Gupta, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

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.61 dated 23.05.2024, under Sections 376, 506, 120-B IPC and Section 4 of POCSO Act, registered at Police Station Sirhali, District Tarn Taran.
2. The contents of the aforesaid FIR are reproduced herein below:-

“Statement of Sarabjit Singh S/o Sukhdev Singh, resident of Sarhali, District Tarn Taran, age about 35 years, Mobile No. 75 xxxxxx, states that I am resident of the above-mentioned address and do work of labour and also run a DJ business. About 19 years ago, I got married to xxxxxx D/o xxxx, resident of Village Rasoolpur Nehra. I have two daughters, one daughter namely xxxx xxx, aged about 17 years, and one younger daughter namely xxxxxx, aged 13 years. Due to a discord with my wife namely xxxxxx, I have been living separately from her for the last approximately 10 years. That the younger daughter namely xxxx lives with my wife, and my elder daughter xxxxxx lives with me. She has passed matriculation



and does household work at home. I run my own DJ shop. On 22.05.2024 at around 6:00 PM, I went to Village Rahul Chahal for a program, taking my equipment with me. On 23.05.2024 at about 03:00 AM, I returned home after the program ended and I found that my daughter was not on the bed. When I searched for my daughter xxxx xxxx inside the house, I could not find her. Then I climbed onto the roof of my house and saw my daughter xxxx xxxx in a very objectionable condition. When I asked my daughter xxxx xxxx, she told me that Parminder Singh @ Gullu @ Bandri S/o Lakhwinder Singh, resident of Patti Khase Ki, Sarhali, had forcibly removed all her clothes and raped her. Parminder Singh @ Gullu @ Bandri committed this act with the assistance of Jatinder Singh @ Ajay S/o Bhupinder Singh, and Lovepreet Singh @ Love @ Lovely S/o Inder Singh, all residents of Patti Khase Ki, Sarhali. Hearing this, the ground slipped from beneath my feet. That both Jatinder Singh @ Ajay and Lovepreet Singh @ Love @ Lovely helped Parminder Singh in forcibly establishing physical relations with my daughter xxxx xxxx and threatened her that if she told anyone about this incident, he would kill her and her father. That today I alongwith my daughter namely xxxx xxxx came present at police station. Statement has been recorded to you, heard and is correct. Legal action be taken against accused. Sd/- Sarbjit Singh abovesaid. Witness Sd/-. Attested Sd/- Mandeep Kaur SI PS Sirhali Dated 23.05.2024....”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The allegation of committing rape has also been levelled solely against the main accused Parminder Singh. Further, there is no medical evidence which connects the petitioner with the



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alleged crime, and even in the FSL report no human semen and male DNA was detected. The petitioner is in custody since 24.05.2024 and his custody period is 01 year 01 month and 08 days and there is one another case registered against the petitioner in which he is on bail.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He 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 01 year 01 month and 08 days and there is one more case registered against him. She on instructions from ASI Satnam Singh-investigating officer submits that charges were framed on 03.08.2024 and out of a total of 14 prosecution witnesses only 02 have been examined till date. She, however, submits that in view of the serious allegations against the petitioner, petitioner 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 24.05.2024. 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 03.08.2024 and out of a total of 14 prosecution witnesses only 02 have been examined till date. 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



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exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. As regards the submission of learned State counsel that petitioner is involved in one more criminal case, it has been held by the Hon’ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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

03.07.2025
Kapil

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