



CRM-M-31861-2025 (O&M) -1-

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

(234)

CRM-M-31861-2025 (O&M)

Date of Decision:31.10.2025

Charanjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Akanksha Gupta, AAG, Punjab

Mr. Abhishek Chaudhary, Advocate, for
Mr. Aayush Gupta, Advocate, for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 126 dated 06.10.2024, under Sections 65 (1) & 46 of BNS and Section 4 of Protection of Children from Sexual Offences Act (Section 70 of BNS and Section 6 of POCSO Act added later on), registered at Police Station Sultanwind, District Police Commissionerate, Amritsar.

2. The translated version of the FIR is reproduced below:-

“Statement of Harwinder Kumar son of Harish Kumar resident of House No.292-A, Street No.4, Teeran Wala Bazar, kot Mit Singh. Tarn Taran road, Amritsar, aged around 44 years, mobile No.9988486770 made a statement, I am resident of above said address and I do private job. I have three children, elder daughter aged around 15 years, younger to her is daughter



aged around 13 years and youngest to son Tejas aged around 7 years, that my daughter who stopped studying in 9th class and now she stay at home. From many days she used to stay quite then myself and my wife has asked why you are silent, today she told under the fear that around 1½ months ago our neighbour Charanjit Singh son of Ajaib Singh resident of House No.290, Street No.4, New Kot Singh Tarn Taran road, Amritsar taken me to house of Ranjit Singh at Kot Mit Singh where his friend Ranvir Singh @ Rana and Babblu resident of Lakha Singh De plot were present where our neighbour Charanjit Singh has developed forceful physical relation with me and threatened that if I would tell to someone else then he would kill me Charanjit Singh has done wrong with my daughter (rape) and has spoiled her life. Today, with my wife and my daughter I have come present to your goodself. You are requested take action again Charanjit son of Ajaib Singh resident of house No.290, Street No.4 New Kot Mit Singh Tarn Taran road, Amritsar against Ranvir Singh his house Kot Mit Singh, Bablu resident of Lakha Singh Plot Sultanwind legal action may be taken and justice be granted to me. I have made the statement, verified as correct Harminder Kumar, attested sd/- Tejinder Kaur INSP Police Station Sultanwind Amritsar City dated 06.10.2024.”

3. Learned counsel for the petitioner *inter alia* submits that it is a case of false implication on the basis of the statement made by the father of the prosecutrix. There is no evidence on record to substantiate the allegations levelled against the petitioner. In fact, now the material witnesses i.e. the complainant and the victim, who have been examined before the learned trial Court, have turned hostile. The petitioner has already undergone an actual custody of 1 year and 19 days and there is no case registered against him.



4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 1 year and 19 days. The learned State counsel, on instructions from the investigating officer concerned, submits that out of total 16 prosecution witnesses, 3 have been examined till date. She 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. Admittedly, charges in the instant case were framed on 03.07.2025; and out of a total 16 prosecution witnesses, only three prosecution witnesses have been examined before the learned trial Court till date. The petitioner has undergone actual custody of 1 year and 19 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the 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.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is



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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 he 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. 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.

9. 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.

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

(KIRTI SINGH)
JUDGE

October 31, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No