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

Sr. No.221

**CRM-M-31364-2025 (O&M)
Date of decision : 15.07.2025**

Gurdeep Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Imaan S. Khara, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.74 dated 30.09.2024 under Sections 64 & 115(2) of BNS, registered at Police Station Phul, District Bathinda, Punjab.

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

"Statement of xxxx daughter of Jagjit Singh son of Jalaur Singh resident of Aalike aged about 19-1/2 years Mob: 62394-08207. Stated that I am a resident of the above said address and do domestic work. About two and a quarter years ago, I was got acquaintance with Gurdeep Singh son of Kaka Singh, resident of Aalike and I with my own free will, started living with Gurdeep Singh. On which, on the statement of my mother Sukhpreet Kaur a case No. 18 dated 11.02.2023 U/S 363, 366A IPC was registered at PS Phool. Whose next date is fixed for 9.10.2024. Now I and Gurdeep Singh were living at Village Sahna, District Barnala. On 26.09.2024, Gurdeep Singh for getting me medicine came to Pakho Kaichian. After getting me

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the medicine, Gurdeep Singh told me to go to village Sahna, I am coming. I remained sitting there, but Gurdeep Singh did not return. At about 6:30 in the evening I had come to the house of Gurdeep Singh house in village Aalike. Where I tried to enter in the house of Gurdeep Singh, then the family of Gurdeep Singh committed battery to me and did not allow me to enter in the house. I sat outside the house of Gurdeep Singh the whole night. The time will be around 3:00 AM on 27.9.24 that Gurdeep Singh and his brother Kamarpal Singh came out of their house. Who started beating me and I became unconscious. Then these two persons took me to the crematorium of our village and there they committed rape against my will and I became unconscious. When I regained consciousness around 5:00 AM, then there was no cloth on my body. I wore my clothes and then went to their house. Then they vilified me and I was thrown out of the house. After this, on 28.9.2024, I was admitted in Civil Hospital Bathinda, where I had called my mother Sukhpreet Kaur. I am undergoing treatment at Civil Hospital Bathinda. Appropriate legal action should be taken against Gurdeep Singh and Kamarpal Singh above said. I wrote my statement to you, read and heard, it is correct. Sd/-xxxx, confirmation statement Sd/- Sukhpreet Kaur wife of Jagjit Singh resident Aalike (Mother). Attested by Sd/- Joitshanna Sharma ASI Police Station Phool (D) dated 29.9.24”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case upon the statement of the prosecutrix. It is submitted that previously, the mother of the prosecutrix had got lodged another FIR against the petitioner on the allegations of enticing away the prosecutrix. It is further submitted that in the said case, the prosecutrix had given a statement before the learned trial Court that she had voluntarily solemnized marriage with the petitioner. The instant FIR is a

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clear cut case of relations turned sour. Further, there is also a delay of about 03 days in lodging of the present FIR. Learned counsel submits that the petitioner has undergone an actual custody of 09 months and 13 days and is not involved in any other criminal case.

4. *Per contra*, learned State counsel has filed reply in Court today. The same is taken on record. She vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. 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 09 months and 13 days and there is no any other criminal case registered against him. She on instructions from ASI-Amritpal Singh submits that charges were framed on 16.01.2025 and out of a total of 19 prosecution witnesses, 08 witnesses 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 01.10.2024. 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 out of 19 prosecution witnesses, only 08 witnesses have been examined so far. 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

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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 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 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.

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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.

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

(KIRTI SINGH)
JUDGE

15.07.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No