



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-32625-2025(O&M)
Decided on: 25.09.2025

NINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.69 dated 06.11.2024, under Section 376 of IPC, registered at Police Station Fattudhinga, District Kapurthala.

2. The contents of the aforesaid FIR are reproduced herein below:-

“To, Hon'ble S.S.P., Kapurthala. Subject: Complaint against (1) Lovepreet Singh son of Massu (2) xxxx wife of Massu resident of Village Chuharpur, Tehsil Sultanpur Lodhi, District Kapurthala, (3) Ninder son of unknown resident of Village Khiranwali, Tehsil and District Kapurthala. Sir, It is requested that I, xxx wife of Manohar Singh, am resident of Village Khiranwali, Tehsil and District Kapurthala, request you that said person, Ninder, who is resident of my village and the said Ninder had taken away. my Daughter-in-law xxx from the Gurudwara on 03-11-2023 by luring her and the said Ninder had sent my daughter-in-law xxx to his relatives in village AlooPur Tehsil Sultanpur Lodhi District Kapurthala and the relatives of the said Ninder had further sent xxx to the said Lovepreet Singh and my daughter-in-law xxx who stayed with the said Lovepreet Singh and Deva for about four months and during this period, my daughter-in-law xxx became pregnant and when my daughter-in-law became pregnant, the said men and women, under their well-planned conspiracy, boarded my daughter-in-law. on a bus and sent her to my village. Regarding which I had earlier given you the application UID No. 318348 dated 14-03-2024 and you had marked my application to DSP, Sub-Division, Sultanwind Lodhi and they further marked my application to



Police Station Fattu DHINGA and in this regard, respectable persons and in this regard, panchayats and respectable persons gathered 5-6 times and despite the said man agreeing in the Panchayat to take xxx away, he is not taking her away and the said men and the woman, in collusion with each other, have ruined the future of xxxx and the child growing in her womb and I am now afraid that the above men can cause me or xxx life or property loss at any time and now I fear that the said person can cause any physical or monetary loss to me or xxx at any time. We are having danger of life and property from them. We are poor people and since the above persons are influential persons, we are not getting any justice. Please take strict legal action against the said men and women for ruining the future of xxx and give justice and protect our life and property. It would be very kind of you sd/-”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely on the basis of statement of the mother-in-law of the prosecutrix. It is submitted that the allegations against the petitioner are sweeping and baseless, and that there is no credible incriminating evidence, medical or otherwise, on record to substantiate the same. Rather, the FIR in the instant case was lodged after an inordinate and unexplained delay of one year. The material witnesses have already been examined before the learned trial Court. The petitioner has already undergone an actual custody of 10 months and 17 days and he has clean antecedents.

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. She 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 10 months and 17 days and there is no other case registered against him. She on instructions from investigating officer submits that charges were framed on 27.03.2025 and out of a total of 19 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 07.11.2024. Investigation is complete. The material witnesses stand examined. 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 27.03.2025 and out of a total of 19 prosecution witnesses, only 02 stand 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 exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

7. 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.

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

25.09.2025

Kavita

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