



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

(223)

**CRM-M-33372-2025
Date of Decision: 07.7.2025**

Akashdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Abhinav Aggarwal, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 114 dated 11.11.2021 under Sections 376, 506 IPC and under Sections 6, 8 of the POCSO Act, 2012, registered at Police Station Verowal, District Tarn Taran.

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

“Statement of (name withheld) daughter of Ajit Singh resident of village Darapur Police Station Verowal District Tarn Taran aged about 15/16 years. It is stated that I am resident of above-mentioned address and is studying in Xth Class in Government Girls Senior Secondary School, Verowal. We are four brother and sisters and residing in our house and my mother has already got expired. My eldest sister Paramjit Kaur is already married and younger to her is Lovepreet Singh and younger to him is my sister Kiranjit Kaur. and I am the youngest. My sister Kiranjit Kaur is residing in the house of my maternal uncle Mangal Singh son of Roop Singh. We all three members are residing in our house ad my father Ajit Singh used to do the labour work and my brother is used to work as Mason. I was alone at my house and then on dated 06.07.2021 during the day at about 12 pm Harmanpreet Singh son of Satnam Singh came to our house and at that time I was sleeping and he came to our house but I could not got to know and he closed the door of the room and without my consent committed rape upon me. He got hold of me from my arms with force and stated to me that in case I will disclose anything to anyone then he will kill me. In



this manner about 3-4 times he forcibly committed the act with me and I because of fear did not disclose anything to anyone. Yesterday on dated 10.11.2021 I fell down in my house due to dizziness and my father called my paternal aunt Balwinder Kaur wife of Balwinder Singh and she took me along with her to the doctor and nurse disclosed to my paternal aunt Balwinder Kaur while giving medicine that I am pregnant. On coming to know I disclosed the entire incident to my paternal aunt Balwinder Kaur and my father and my paternal uncle Balwinder Singh and they after taking me along were coming to the Police Station and you met us on the way. Thus, the strict legal action may kindly be taken against Harmanpreet Singh abovesaid. Statement has been got recorded which has been read over and same is admitted to be true. Statement by: XXXXX abovesaid.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which has been registered on the statement of the prosecutrix. It is submitted that the first incident of the alleged occurrence stated to have been committed by the co-accused is on 06.07.2021, however, the present FIR was got lodged only on 11.11.2021, after a delay of about four months. Further, there is no incriminating evidence against the petitioner, who was not named in the present FIR but has been nominated as an accused on the basis of supplementary statement recorded by the prosecutrix under Section 164 Cr.P.C. Moreover, the petitioner is in custody since 23.1.2022 and has no other case registered against him. Further, vide order dated 23.5.2025 passed in CRM-M-64987-2024 (Annexure P-5), the main accused namely Harmanpreet Singh has been granted regular bail by this Court.

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 03 years 05 months and 12 days. He on instructions from investigating officer submits that charges were framed on 09.02.2022 and



out of total of 23 prosecution witnesses; 18 have been examined till date. He, however, 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 bars for 03 years, 05 months and 12 days. 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 9.2.2022 and out of 23 prosecution witnesses, only 18 witnesses have been examined so far. The material witnesses have been examined. The main accused Harmanpreet Singh has been granted the concession of regular bail by this Court. 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. 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.

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

July 07, 2025
Gurpreet Singh

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