



**101+202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33422-2025 (O&M)

Date of Decision:08.08.2025

DANISH

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Talim Hussain, Advocate
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Proxy counsel for
Mr. Nafeesh Ahmed, Advocate
for respondent No.2.

ALOK JAIN, J. (Oral)

CRM-30883-2025

The present application has been filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record copies of deposition of PW-1-victim dated 31.07.2025 and PW-2-father of victim dated 31.07.2025 viz. Annexure P-5 and P-6, as well as for exemption from filing the certified copies the same.

For the reasons mentioned in the application, CRM is allowed as prayed for. Documents are taken on record subject to all just exceptions.

CRM-M-33422-2025

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 0013 dated 13.03.2025, under Sections 96 and 137 of Bharatiya Nyaya Sanhita, 2023, (Section 96 of BNS deleted and Section 87 of BNS added), registered at Police Station Lakhewali, District Shri Muktsar Sahib, Punjab.



2. Learned counsel for the petitioner submits that the entire story narrated in the FIR is false and fabricated and the petitioner has been wrongly entangled in the present FIR. He further relies upon the testimony of the victim as well as the complainant whereby they have resiled from their previous statements. Learned counsel submits that the statement of the victim, who is a minor cannot be considered, however, could not deny the fact that complainant has also turned hostile.

3. Learned State counsel has also filed the custody certificate of the petitioner in Court today, which is taken on record, according to which the petitioner is in custody for the last 03 months and 24 day (as on 06.08.2024) and has submitted that the petitioner has clean antecedents and no other case has been pending against him.

4. It is a very strange case that on one hand serious allegations have been levelled against the young boy and he is forced to go to jail, and later on, after 03 months the complainant resiles from the statement. The fundamental rights of the petitioner have been violated. It is on account of the false FIR lodged by the complainant, that the entire career of the petitioner is tarnished, and in case the FIR was genuine then it is more serious matter as to why the victim and her father have resiled from their statements and turned hostile.

5. In light of the above and considering the fact that the petitioner has clean antecedents and has been in custody for last 03 months and 24 days and the fact that the trial is likely to take some time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail, and it is left to the wisdom of the authorities to take appropriate steps against the complainant in accordance with law.



6. Proxy counsel appears for Nafees Ahmad, Advocate and he does not even have the file and has stated that he was only instructed to say that he has no objection if the bail is granted to the petitioner.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail if not required in any other case by furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM, concerned. He shall, however, be released on the following conditions:

i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.

ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.

iii. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

9. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.



11. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

08.08.2025
kv

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