



CRM-M-37685-2025(O&M)

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

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**CRM-M-37685-2025(O&M)
Decided on: 25.08.2025**

Pargat Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Pushp Jain, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.14 dated 08.02.2018, under Sections 376, 120-B and 34 IPC, registered at Police Station City Budhlada, District Mansa.

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

“Statement of xxxxxx daughter of Gurdev Singh, caste Jat, resident of Ward Number 5, Mohalla Bhaika, Sunam, aged about 25 years, m.no. 75280-xxxxx. Stated that I am resident of above mentioned address. I am housewife. On 6.2.18, I had come to Budhlada for my personal work then at about 2:30 p.m. in my earlier call, Sukhpal Singh alias Pali son of Yodh Singh, caste Barber Sikh, resident of Beeroke Kalan alongwith his friends Pargatt Singh son of not known, resident of Tolawal and Sukhchain Singh son of not known resident of Alampur Mandra came in light green colored Opened Jeep at K.K. Gaud Chowk, Budhlada. I said to them that I have to go Sunam, then Sukhpal Singh confused me in his talks and said that we



have to go to Sunam and offered me to go with them. They sat me in their opened jeep. They instead of leaving me at Sunam, took me to Sangrur and at Nanakiana Chowk Sangrur, some mechanical default occurred in the jeep. Then Sukhpal Singh called his one friend from there and he came there in a white colored swift car, they sat me in their swift car on the pretext of leaving me at Sunam and took me at Hotel +Palace near Patiala bypass near University. They left me at Room Number 501, Second Floor and after talking with m, he went away from there at 6/6.30 p.m. and after about half an hour, Sukhpal Singh came back to me, who had consumed liquor. After enticing me, on my repeated stopping, he committed rape with me without my consent. I did not speak anything due to fear there. They took me in swift car and took me back towards Sunam and on reaching Sunam, I made excuse that I am feeling pain then they dropped me near the gate of Civil Hospital. But I did not take any medicine there. I do not know that where action will be taken regarding this. Then, I made a phone call to Control Room Mansa and informed and today, I have come to Police Station City Budhlada to give information regarding this. These three persons took me to Patiala here Sukhpal Singh has committed rape with me without my consent. Legal action may kindly be taken against these three. Sukhchain Singh who took jeep earlier has no fault in it. Statement recorded, heard and is correct. Sd/-....”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the prosecutrix. It is submitted that the main accused Sukhpal Singh, against whom allegations of rape were also levelled, was acquitted by the learned Sessions Judge, Mansa vide its order dated 26.05.2021 (Annexure P-5).

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Further, the FIR was registered after a delay of two days. Moreover, in the statement recorded under Section 164 Cr.P.C., the prosecutrix did not level single word against the petitioner. The allegations are made against Sukhpal Singh and his friends. Learned counsel submits that petitioner was declared as proclaimed offender vide order dated 28.12.2019 and subsequently arrested on 09.11.2024. Accordingly, his custody period is 09 months and 14 days and there is one other case registered against the petitioner.

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 09 months and 14 days and there is one more case registered against him. She on instructions from ASI Sukhcharan Singh- investigating officer submits that charges were framed on 09.08.2025 and out of a total of 5 prosecution witnesses none has 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 11.11.2024. 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 charges were framed on 09.08.2025 and out of a total of 5 prosecution witnesses none has been 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



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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. As regards the submission of learned State counsel that petitioner is involved in one more criminal case, it has been held by the Hon’ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another***, 2012 (2) SCC 382 that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

8. 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.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

25.08.2025
Kapil

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