



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(218)

CRM-M-38869-2025 (O&M)  
Date of Decision: 01.09.2025

SAONY ALIAS SONI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Manoj R. Sharma, Advocate  
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

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**KIRTI SINGH, J. (ORAL)**

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.106 dated 07.11.2023, under Sections 363 and 366 IPC, registered at Police Station Sri Chamkaur Sahib, District Rupnagar.

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

*“Copy statement, “Statement of above Shokat Ali alias Mahi son of Mir resident of village Badesha, police station Khamano, Distt. F.G.S. Presently resident of village Balsandha, police station Sri Chamkaur Sahib, District Rupnagar, age about 35 years, Mo.No. 98784-xxxxx, stated that I am a resident of the above address and I do the work of selling milk by keeping the buffaloes. I am completely illiterate but I can sign. I have four children. Among them 02 boys and 02 are girls. My eldest daughter xxxx whose date of birth is 04-04-2008 who is about 15 years 06 months old, who has studied up to eighth standard and now used to do domestic work at home who suddenly went somewhere from home on date 06-11-2023 at around 06:00 PM. We have been searching for our daughter till now. After*



*searching, it was found that my said daughter has been enticed away by Soni Resident of Sikligar Colony, Bhurde Road, Sri Chamkaur Sahib on the pretext of performing marriage with her because he used to come to our house often for work. Therefore, appropriate legal action should be taken against the above-mentioned Soni and my minor daughter xxxx may be searched. I have got recorded my statement along with my maternal uncle Mohammad Sadiq, son of Mir Ali, resident of Kotala police station, Samrala district, Ludhiana. I have heard and understood it to be correct. Sd- Shokat Ali (Signature in Hindi) verified by statement L.T.I/- Mohammad Sadiq Attested sd- Samarjit Singh ASI, police station Sri Chamkaur Sahib Date 07-11-2023”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of father of the prosecutrix, alleging that the petitioner had enticed his daughter on the pretext of marriage. It is submitted that the prosecutrix in her statement recorded under Section 164 Cr.P.C. stated that she herself had compelled the petitioner to take her to Hisar; and no incriminatory allegations, including that of any physical intercourse, were levelled against the petitioner. The prosecutrix had even refused to get conducted her medical examination, and so there is no medical evidence to substantiate the allegations levelled in the FIR. There is no other case registered against the petitioner, who has already undergone an actual custody of 1 year, 5 months and 23 days.

4. *Per contra*, learned State counsel has 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 1 year, 5 months and 23 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The



trial of the case has not made much progress, as charges were framed on 02.08.2024 and out of a total of 13 prosecution witnesses, only 7 has been examined and 4 have been given up. 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. Admittedly, the charges were framed on 02.08.2024 and out of total 13 prosecution witness, 7 have been examined till date and 4 have been given up. The petitioner has undergone actual custody of 1 year, 5 months and 23 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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**

**September 01, 2025**  
**Ithlesh**

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