

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

(221)

**CRM-M-40408-2025
Date of Decision: 08.8.2025**

Sunil Singh @ Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K,Choudhary, Advocate
for the petitioner.

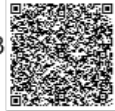
Mr. Luvinder Sofat, Sr. DAG, Punjab.

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. 0038 dated 23.4.2025 under Sections 137(2) and 87 of BNS, 2023, registered at Police Station Dorangala, District Gurdaspur.

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

“I am a resident of the above address and work at a grocery shop at Gahaldi Adda. We are a brother and a sister. My younger sister xxxx (name withheld) age about 17 years 3 months, who had 24.07.2025, given +2 papers, yesterday on to everyone after dinner went sleep at around 11 pm. The time was around 1 AM. My father got up to urinate and saw that my sister xxxx (name withheld) was not on her bed. We have been searching for her from our family members and relatives till now, but there is no trace of my sister. I suspect that some unknown person has taken my sister xxxx (name withheld) away pretext of the on marriage. The unknown person should be traced and legal action should be taken against him. My sister should be found and returned. I have appeared today and recorded my statement. I have read the statement and it is correct.”

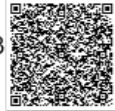


3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 20 years is a student and has been falsely implicated in this case on the statement of the prosecutrix. It is further contended that the petitioner and the prosecutrix were known to each other. It has also been submitted that there is a delay of one day in lodging the present FIR. Moreover, there is no medical evidence to substantiate the allegations levelled against the petitioner in the present FIR. He further submits that the petitioner is in custody since 28.4.2025 and there is no other case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He 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 03 months and 10 days. He on instructions from the concerned investigating officer submits that challan has been presented on 18.6.2025 and charges are yet to be framed. The next date of hearing before the learned trial Court is 14.8.2025. He 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, challan in the present case has been presented on 18.6.2025 and the charges are yet to be framed. The petitioner has undergone actual custody of 03 months and 10 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

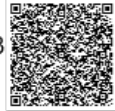


purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, 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

August 08, 2025
Gurpreet Singh

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