

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(217)

CRM-M-41217-2025 (O&M)
Date of Decision: 29.10.2025

Labh Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Karandeep Singh, Advocate and
Mr. Abhishek Pawar, Advocate
for the petitioner.

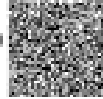
Ms. Aakanksha Gupta, AAG, Punjab.

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.36 dated 20.05.2024 under Section 376 IPC, registered at Police Station Khui Khera, District Fazilka.

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

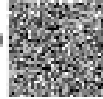
"It is recorded that, xxxx, daughter of Fakir Singh, wife of Gori Singh, resident of Basti Chandigarh, Mandi Ladhuka, new address Azamwala, Khui Khera, age 24 years, mobile no.-98762xxxxx, has reported that, "I am living at the given address and I am indulged in domestic work. I have been married since 5 years with Gori Singh, son of Karam Singh, resident of Azamwala, we have our son named Ranveer Singh who's age is about 2½ years. Today, on Date-20-5-2024, my husband, as usual had gone to his daily hard labor on the fields, and my son, after some time from his birth was sent off to my parents home. Today, at around 3:30 pm, I was alone at my home,



and at this moment, Labh Singh, son of Roshan Singh, resident of Azamwala, entered the room built in our house, seeing me alone, he pushed on the bedstead. He had sexual intercourse without my consent, on screaming for help, he ran away from there, my neighbors, my sister-in-law, who live in my village reached the spot at that moment. My sister-in-law called 112 helpline number. Today itself, my husband and relatives took me to the civil hospital where my statement was taken. Action should be taken against Labh Singh. The statement is written as well as heard. Signatures/- xxx, confirmed statement LTI/-Gori Singh, son of Karam Singh (husband), verified SD/-Vira Rani I/C WHD/FZK, Date-20-25-2024”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix, wherein it is alleged that the petitioner had developed forceful physical relations with her without her consent. It is submitted that the FIR was registered on 20.05.2024 but the statement under Section 164 Cr.P.C. was recorded on 23.07.2024, as such there is an unexplained delay of more than two months in the recording of statement of the prosecutrix under Section 164 Cr.P.C. Further, the material witnesses i.e. the victim, her husband and her sister-in-law have been examined, who have turned hostile during their cross-examination. Also, no human semen has been detected on the exhibits of the prosecutrix, as per the FSL report dated 08.10.2025. The petitioner has undergone an actual custody of 1 year, 5 months and 4 days, 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. She states that the petitioner was actively involved in the commission of the offence. She has filed custody certificate and forensic report dated 08.10.2025 in Court today and the same is taken on record. As per custody certificate, the



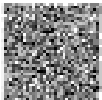
petitioner has undergone an actual custody of 1 year, 5 months and 4 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 04.10.2024 and out of a total of 10 prosecution witnesses, 8 have been examined. She submits 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 04.10.2024 and out of total 10 prosecution witness, 8 have been examined till date. The petitioner has undergone actual custody of 1 year, 5 months and 4 days, and there is no other criminal case registered against him. The material witnesses i.e. the victim, her husband and her sister-in-law stand examined, who have turned hostile during their cross-examination. 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

October 29, 2025
Ithlesh

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