



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

214

**CRM-M-41474-2025 (O&M)
Decided on: 28.08.2025**

RAJINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**PRESENT:** Mr. Vikas Gupta, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. This is petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.300 dated 23.08.2024, under Sections 64(1) and 351(3) of BNS, registered at Police Station Goindwal Sahib, District Tarn Taran.

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

“Statement of xxxx D/o Sukhwinder Singh, resident of Patti Phallia, Tehsil Khadoor Sahib, District Tarn Taran, aged about 19 years, Mobile No: 97795-xxxxx, 82646-xxxxx, states that I am resident of above mentioned address and I am studying in the second year of BCA at Group of College, Manawala, Amritsar. My father does labor work and my mother namely Gurmeet Kaur is a housewife. We are four siblings. My elder brother is Nisan Singh, and younger to him is sister namely xxxx, who is married, younger to her is brother namely Kulwant Singh, and I am the youngest. My date of birth is 13.01.2005. A boy from my village namely Rajinder Singh S/o Sarwan Singh, resident of Patti Lammianwali, Khadoor Sahib, had been harassing and humiliating me for a long time and was forcing me to have physical relations with him, but I refused him. On 08.08.2024, time would be around 09:00 AM, while I was going from my village to college at Khadoor Sahib, I was a little distance away from the village when Rajinder Singh S/o Sarwan Singh, forcibly made me sit on his motorcycle. I do not remember the motorcycle number and took me to a hotel in Amritsar, the name of which I do not know. Rajinder Singh took me to a hotel room and forcefully made physical relations with me against my will. He threatened me that if I told anyone about this, he would kill my



brothers. After that, Rajinder Singh left me outside the hotel and ran away. I came to Group of College, Manawala, by autorickshaw. That day, I was so scared that I did not tell anything to my family. Then on 10.08.2024, I gathered courage and told everything to my mother namely xxxxx. Till now, we were afraid of defamation, but today, after consulting our relatives, I have come to the police station along with my mother namely xxxxx to take legal action against Rajinder Singh S/o Sarwan Singh, resident of Patti Lammianwali, Khadoor Sahib. You have now written down my statement. I am complainant. Appropriate legal action should be taken against the accused Rajinder Singh S/o Sarwan Singh, resident of Patti Lammianwali, Khadoor Sahib. Statement has been recorded, heard and is correct. Sd/- xxxx. Witness RTI xxx, Attested Sd/- Amandeep Kaur SI, Police Station Goindwal Sahib, Dated 23.08.2024.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the statement of the prosecutrix. It is submitted that no alarm was raised by the prosecutrix when she was forcibly taken away by the petitioner, as has been alleged. Even the present FIR has been registered after an unexplained delay of 16 days, and there is no medical evidence to substantiate the allegations so levelled. Further the material witnesses have been examined before the learned trial Court. The petitioner, is in custody since 01.02.2025, and has already faced a prolonged incarceration for a period of 06 months and 26 days till date; and there is no other case registered against him.

4. *Per contra* learned State counsel has opposed the bail and submits that there are serious allegations against the petitioner. She 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 6 months and 26 days and there is no other case registered against him. She on instructions, submits that charges were framed on 29.04.2025 and out of total of 13 prosecution witnesses, only 02 witnesses have been examined till date. She, however, 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

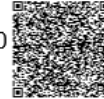


parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 01.02.2025. 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 29.04.2025 and out of a total of 13 prosecution witnesses, only 02 witnesses have been examined till date including material witnesses. 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. The grant of bail is warrants drawing a delicate balance of competing legal and societal interests. It is settled law that personal liberty of an individual, a cherished constitutional guarantee, cannot be taken away except in accordance with the procedure established by law. A person accused of committing non-bailable offences can be detained in custody during the pendency of the trial, unless enlarged on bail. However, exercising judicial discretion in bail matters, Courts must be guided by a calibrated assessment of factors such as the nature and gravity of the offence so alleged, the strength of the prima facie case, the likelihood of the accused fleeing justice, tampering with evidence or influencing witnesses, and the overarching interest in ensuring that the trial proceeds fairly and without obstruction.

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. Meanwhile, learned trial Court is encouraged to conclude the trial expeditiously.

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

(KIRTI SINGH)
JUDGE

28.08.2025

Ithlesh

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