



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(226)

CRM-M-42100-2025 (O&M)
Date of Decision: 22.09.2025

SAHIL SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. This is the first petition filed under Section 483 BNSS for grant of regular bail to the petitioner in case FIR No.60 dated 16.04.2024 under Section 376-D and 506 of IPC, Section 6 of POCSO Act and Section 67-B of IT Act (challan presented under Section 376 of IPC and Sections 4 and 6 of POCSO Act) (charges framed under Sections 363, 366 and 376 of IPC and Section 6 of POCSO Act, registered at Police Station City Jalalabad, District Fazilka.

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

“Statement of xxxxx daughter of Karnail Singh son of Baggu Singh resident of Changa Rai Uttar Hall Baba Bhuman Shah Basti Jalalabad District Fazilka age about 16 years, Mobile no. 98350-26000 stated that I am a resident of the above address and have passed eleventh class. I have passed eleventh class from Government Senior Secondary Girls School Jalalabad and I have yet to get admission in twelfth class. My mother's name is xxxxx. We are two siblings. I am the elder one and my age is



about 16 years. My brother is younger than me. We earlier reside in village Changa Rai Uttar but for the last one year we have been residing Baba Bhuman Shah Basti Jalalabad on rent. My aunt xxxxx is married in Jalalabad and we often visit our aunt's house. My aunt's house is on the FF road, behind the BSF sector. Her relative's son Sahil son of Harmesh Singh resident of Ghumiyaran Wali Basti Jalalabad and his family used to visit my aunt's house, that is why we knew Sahil and his family. When I was studying in my 11th standard at Government Senior Secondary Girls' School Jalalabad then Sahil started following me often. I made him understand a lot but Sahil did not stop his actions. On 07.02.2024 at around 2:40 PM, after I was discharged from school, I came out of the school and saw Sahil son of Harmesh Singh sitting on a motorcycle brand Platina outside the school and another young man was sitting behind him. Sahil stopped me and said, "Come, let me drop you home." But I said that I will go by myself, but Sahil and the person with had trapped me in the dialogues and made me sit with him. After which he took me to the village Peereke Uttar at Sahil's maternal uncle's house where Sahil's mother xxxx, his father Harmesh Singh, his sister xxxxxx and sister xxxxx were already present in that house. Then Sahil and his entire family locked me in the room with Sahil and then Sahil continued to rape me for three days without my consent. Sahil and his entire family threatened me that if you tell anyone about this then they will kill you and your family. On Dated 10.02.2024, I somehow saved my life from there and reached my home Baba Bhuman Shah Basti Jalalabad and by gathering courage I have told the whole story to my parents. We all kept quiet due to the fear of threats but after which Sahil made my photos viral on his Instagram ID sahil001x and Sahil also made the photos viral by writing my name on his hand and did all this to defame me. Me and my family members somehow got courage and admitted me to Civil Hospital Jalalabad for medical on 13.04.2024 where the lady doctor did my medical which we now came to know that the young man who was sitting behind Sahil on the motorcycle on that day on 07.02.2024 is his maternal uncle Surinder Singh S/o Gurdas Singh resident of Peere Ke Uthar and Sahil has been doing wrong things to me in his house which has been very wrong act that happened with me. Sahil son of Harmesh Singh, Harmesh Singh son of Sher Singh, Shimla Rani wife of Harmesh Singh, Sania Rani daughter of Harmesh Singh, Neelam daughter of Harmesh Singh and Surinder Singh S/o Gurdas Singh resident of Peereke Uttara, appropriate action should be taken against all of them. The statement has been written and heard and it is correct. Correct xxxx The above



statement is confirmed by:- Correct/- xxxx wife of Karnail Singh.”

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. It is submitted that there is unexplained delay of 2 months in the registration of the present FIR. Furthermore, there is no medical evidence to substantiate the allegations so levelled in the FIR. The material witnesses in the case have been examined. The petitioner is a young man of 20 years of age with clean antecedents and has already undergone an actual custody of 1 year, 2 months and 15 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, 2 months and 15 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 11.10.2024 and out of a total of 16 prosecution witnesses, four 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.

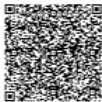
6. Admittedly, the charges were framed on 11.10.2024 and out of total 16 prosecution witness, 4 have been examined till date. The petitioner has already undergone actual custody of 1 year, 2 months and 15 days, and there is no other criminal case registered against him. The veracity of the



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 22, 2025
Ithlesh

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