



CRM-M-11291-2025 and other connected case

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214(2 cases)

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

Date of Decision:- 12.11.2025

(1)

CRM-M-11291-2025

Bakshish Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-42328-2025

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Ms. Khwaish Kalra, Advocate for
Mr. Sandeep Verma, Advocate
for the petitioner in CRM-M-11291-2025.

Mr. Aman Sharma, Advocate,
Legal Aid Counsel
for the petitioner in CRM-M-42328-2025.

Ms. Amrit Kaur Mahir, AAG, Punjab.

AMARJOT BHATTI, J.(Oral)

1. Both aforementioned petitions have arisen out of same FIR,
therefore, same are taken up together for disposal.

2. Petitioner(s) Bakshish Singh @ Kala and Gurcharan Singh have
filed separate petitions under Section 483 of Bharatiya Nagarik Suraksha

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Sanhita, 2023 (erstwhile Section 439 Cr.P.C.) for grant of regular bail in FIR No. 473 dated 05.11.2022 under Section 376-DA, 372, 34, 506, 120-B IPC and Section 5, 6 and 16 of POCSO Act registered at Police Station City Faridkot, District Faridkot.

3. Facts of the case are, prosecutrix 'AK' gave her statement that she is 14 years of age, studying in 9th standard. On 23.07.2022, her mother 'SK' came to pick her from school and on the way back, she was taken to Ferozepur. On next day, her mother came to Machaki Mal Singh Wala where her father insisted that she had given statement at the instance of her mother. She alongwith her mother stayed in the house of Balbir Singh on rent. There was one lady who was indulging in wrongful activities and she also involved her mother in said activities. She tried to stop her mother but she claimed that she was doing everything for her. After two months, four persons came to their house namely Sukha, Kala, Bobby and Gurcharan Singh, whom she called as uncle. They indulged in wrongful activity with her forcibly. She tried to raise alarm but she was not permitted to open her mouth. She was repeatedly raped by them. Her mother used to keep an eye on her. On 25.10.2022, her aunt came and she disclosed her condition to her. On 27.10.2022, her father filed application against her mother. She was called in police station. She expressed her desire to accompany her father. Finally, she returned to her father on 27.10.2022. She disclosed everything to her grandmother. She was taken to hospital for medical examination. With these allegations, present FIR was registered.

4. Learned counsel for both petitioners referred above denied the allegations. It is pointed out that victim had given different version when

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she was medically examined. Copy of medical history of victim is Annexure P-3. Report of Forensic Science Laboratory dated 06.04.2023 is Annexure P-4. There were no marks of injury on her body. Therefore, version put forward is without any basis. Petitioner Bakshish Singh @ Kala is in custody since 06.11.2022, whereas, Gurcharan Singh is behind the bars for the last about 02 years 09 months. Trial in this case is still going on. They are ready to abide by terms and conditions of bail order. Therefore, their regular bail petitions may be allowed.

5. Bail petitions are opposed by learned counsel representing State of Punjab. Status report is filed in both petitions. As per status report, FIR was registered against six persons i.e. Sukha, Bobby, Kala (petitioner in CRM-M-11291-2025), Pammi, Gurcharan Singh (petitioner in CRM-M-42328-2025) and Sarabjit Kaur. Statement of victim recorded under Section 164 Cr.P.C. is Annexure R-1/T. As per school record, date of birth of victim is 02.07.2009, therefore, she was below the age of 14 years at the time of commission of crime. Offences under Section 376DA, 372, 34 IPC and Section 5 & 6 of POCSO Act were added vide DDR No. 42 dated 12.12.2022 and offences under Section 506, 120B IPC and Section 16 of POCSO Act were added vide DDR No. 27 dated 31.12.2022. On completion of investigation, challan was presented and after framing of charge-sheet, prosecution evidence is being recorded. As per status report, nine prosecution witnesses have been examined. It is further pointed out that victim has fully supported prosecution case. Therefore, considering the gravity of offence, petitioners are not entitled to be released on regular bail.

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6. I have considered the arguments and have gone through the record carefully. As per facts narrated above, allegations are serious in nature. Victim was less than 14 years of age who was sexually exploited as detailed in FIR. Petitioners are specifically named. Trial in this case is in progress. Substantial prosecution evidence has been recorded. Considering the gravity of offence and manner in which it has been committed, I do not find a fit case for grant of regular bail to both petitioners. Therefore, present petitions i.e. **CRM-M Nos. 11291 and 42328 of 2025** filed by petitioners **Bakshish Singh @ Kala and Gurcharan Singh** respectively are, accordingly, dismissed.

Considering the custody period of petitioners facing trial in this case, trial Court is directed to expedite the trial.

7. Pending miscellaneous application(s), if any, in both cases, stand disposed of accordingly as well.

8. A photocopy of this order be placed on the file of connected case mentioned above.

12.11.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No