



CRM-M-42677-2025

1

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

253

CRM-M-42677-2025 (O&M)

Date of decision: 12.08.2025

Nishan Singh @ Dhillon

...Petitioner

V/s

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravi Choudhary, Advocate for the petitioner
(through Video Conference)

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of regular bail to the petitioner in case bearing FIR No.109 dated 07.05.2024, registered for the offences punishable under Section 377 of IPC and Section 6 of the POCSO Act at Police Station Gharinda, Amritsar.

2. The FIR in question was lodged on the statement complainant namely Rajwinder Kaur w/o Sohna Singh R/o Village Hoshiar Nagar Amritsar, aged 35 years who alleged that she had four children, including two girls namely Harpreet Kaur, aged 15 and Komalpreet Kaur aged 11 and two boys namely Veer Singh aged 10 years and the youngest child namely Jugraj Singh aged 5 years old (victim herein). She has further alleged that on the alleged day of occurrence i.e. 07.05.2024, the three children of the complainant had gone to school whereas her youngest son namely Jugraj Singh had not gone to school. Thereafter, the complainant had left her youngest son namely Jugraj Singh alone at home and went to the city for

**CRM-M-42677-2025****2**

work. The husband of the complainant had also gone out for work and when she returned home after doing work, at around 3:00 PM., the three children were present at home and her youngest son namely Jugraj Singh was not present at home. On enquiry, the complainant was apprised that her youngest child namely Jugraj Singh (victim herein) had gone outside to eat something. As the complainant came out of her house, she heard the screaming of her youngest son namely Jugraj Singh and when she went little ahead she noticed that the sound of the screaming was coming from the house of her neighbour namely Rana Singh, son of late Jagtar Singh alias Pappu. When the complainant went to his house, she noticed that the said Rana Singh had put a mat on the bed and was doing wrong things with her son namely Jugraj Singh and Nissan Singh alias Dhillon (petitioner herein) was also present there. When the complainant reached at the scene of occurrence after hearing the cry of her son, both the accused ran away. Thereafter, on inquiry from her son, the complainant was told that firstly Nisan Singh alias Dhillon (petitioner herein) had done something wrong at the lettering place and thereafter, accused Rana Singh did it. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. It has been further iterated that the prosecution has failed to produce any cogent or clinching evidence to implicate the petitioner in the alleged offence. It has been further submitted that the petitioner is, in fact, a victim of unfortunate circumstances and has been wrongly implicated by the investigating agency without any justifiable cause or reason. According to learned counsel, there



is no eye-witness attributing any overt act to the petitioner and the petitioner has never been observed engaging in any wrongful conduct with the minor child in question. Furthermore, no independent witnesses have been associated to corroborate the narrative of the prosecution. Given that the trial of the present case is likely to be a protracted trial; further incarceration of the petitioner would serve no purpose. On strength of aforesaid submissions, the grant of regular bail is entreated for.

4. *Per contra*, learned State counsel has opposed the instant petition by arguing that the allegations against the petitioner are of an extremely grave and heinous in nature involving the sexual assault of a minor child aged about 5 years. It has been further iterated that the victim, in his statement to the complainant (his mother) has given a clear and categorical account of the involvement of the petitioner and narrated the sequence of events. According to learned State counsel, the nature of the offence squarely attracts the provisions of the Protection of Children from Sexual Offences Act, 2012, carrying stringent punishment. Given the tender age of the victim and the trauma suffered, there exists a strong apprehension that if enlarged on bail, the petitioner may influence or intimidate witnesses particularly as the incident occurred within the same locality. In light of the seriousness of the allegations, the *prima facie* evidence, and the possibility of witness tampering, the grant of bail at this stage would not be in the interest of justice. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.



6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. In the considered opinion of this Court, the nature of the allegations as also the age of the victim coupled with the direct implication of the petitioner in the statements of both the victim and the complainant *prima facie* disclose the commission of a serious offence. The alleged incident is stated to have occurred within the same locality where both the victim and the petitioner reside, thereby substantially increasing the likelihood of the petitioner exercising undue influence, directly or indirectly, over the victim or other prosecution witnesses if enlarged on bail. The gravity of the offence under the POCSO Act and the vulnerability of the child victim demand a cautious approach.

7. It is well-settled that in cases involving sexual offences against minors, the Courts are required to adopt a cautious and circumspect approach bearing in mind not only the severity of the punishment prescribed but also the potential for trauma to the victim and the risk of interference in the due course of justice. In the considered opinion of this Court, the petitioner has failed to make out a case for the grant of regular bail at this stage. The seriousness of the allegations and the potential impact on the trial outweigh the grounds raised in the petition and accordingly, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail.

8. As a sequel to the aforesaid discussion, it is directed as follows:

(i) The petition in hand is devoid of merits and is hereby dismissed.



- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 12, 2025
Ajay

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