



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(291)

CRM-M-42595-2025 (O&M)

Date of Decision: 25.09.2025

SANDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Aayush Goyal, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. G.S. Sarao, Advocate for the complainant.

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.2 dated 02.01.2023 under Sections 363, 366-A and 120-B of IPC and Section 6 of POCSO Act, registered at Police Station Sadar Nabha, District Patiala.

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

“Statement of Karamjit Singh son of Fakir Singh resident of Village Meham, Tehsil Nabha, District Patiala, aged about 40 years Mobile No. 97795-xxxxxx written by ASI Rajinder Singh 490/Patti, Police Station Sadar Nabha. Complaint against Sandeep Singh @ Money son of Jagsir Singh resident of Village Rohda Bheni near Ludhiana, xxxx wife of Pritam Singh, Jagga Ram Soon of Pritam Singh, Wife of Jagga Ram of unknown address near Ludhiana. Statement of Karamjit Singh son of Fakir Singh resident of Village Meham, Tehsil Nabha, District



Patiala, aged about 40 years Mobile No. 97795-xxxxx it is stated that I am resident of the above said address and do labour work and I have three children. Out of which one is boy and two are girls. Elder son namely Gurjant Singh aged about 19 years, younger girl namely xxxxx aged about 17 years and the youngest girl namely xxxxxx is aged about seven years. I burn the expenses of my house by pulling rickshaw. On 29.12.2022 I was present in Nabha due to some personal work and when I return to my village meham then it was around 2:15 Pm where I saw that my daughter xxxxx was not present at home and we start looking for her hair and their but we could not find her. Then, I sat along with my family members and talked about my daughter xxxxxx where I remembered that yesterday on 28.12.2022 my maternal mother-in-law xxxxxx wife of Pritam Singh, her son Jagga Ram and his wife whose address is unknown near Ludhiana had called on my mobile number and asked that they want to get my daughter namely xxxxx married to Sandeep Singh Alias Mani son of Jagsir Singh resident of Arora Bheni near Ludhiana but I along with my family members denied for the sad proposal as my daughter xxxxxx is less than 18 years old but still they threatened me on my mobile and said if you will not let your daughter marry Sandeep Singh then we will force Ali take her along and get her married with Sandeep Singh upon which you will not be able to do anything. I have a doubt that Sandeep Singh alias money resident of Village Rohda Bheni along with xxxxx, Jagga Ram and his wife has forcibly taken my daughter xxxxxx by giving her false promise of getting married and have hidden her at some unknown place. I along with my family members kept on looking for my daughter xxxxxx and have seen all the houses of our relatives but we could not find her. Me and my family members have strong belief that Sandeep Singh alias money resident of Village Rohda Bheni along with xxxxx, Jagga Ram and his wife have forcibly taken my daughter and I have kept her in some unknown place. To elope my daughter there is a



direct instigation of sister of my maternal mother-in-law Darsho, Jagga Ram and his wife. I along with my father namely Fakir Singh were going to Police station wherein you met us on River bridge, it is requested that strict action be taken against the above said accused. I have heard and read my statement to be true and correct. Sd/-”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the father of the prosecutrix. At the outset, learned counsel for the petitioner submits that both the petitioner and the prosecutrix have solemnized marriage and have also been blessed with a child, who is now about 6 months of age. The petitioner was earlier granted the concession of regular bail vide order dated 22.07.2024. Subsequently, Section 6 of the POCSO Act was added on 12.05.2025, which is after more than 2½ years after the registration of the FIR. On coming to know about the addition of offence, he applied for anticipatory bail and vide order dated 11.06.2025, interim relief was granted to the petitioner by the learned trial Court and was also directed to join investigation. However, due to mis-communication, the petitioner could not join the investigation, as such the interim concession granted to him was vacated upon the same, the petitioner himself surrendered before the learned trial Court on 03.07.2025. He further submits that as such, the petitioner has undergone an actual custody of 3 months and 21 days and has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He 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 3



months and 21 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court on 02.09.2025 and the charges are yet to be framed. He 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 have not been framed till date. The petitioner has undergone actual custody of 3 months and 21 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 25, 2025
Ithlesh

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