



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

(233)

CRM-M-42543-2025

Date of Decision: 11.8.2025

Veer Singh alias Bir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. J.S.Sekhon, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 68 dated 16.4.2025 under Sections 137(2), 96 and 61 of BNS, 2023 and under Section 6 of POCSO Act, 2012 (added later on), registered at Police Station Sadar Khanna, District Ludhiana.

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

“Statement of the complainant Ranjit Singh son of Major Singh, resident of village Majra Rahon, Police Station Sadar Khanna, District Ludhiana, aged approximately 46 years, mobile number 88476-21630, stated that: "I am a resident of the above-mentioned address and I work privately in the DJ sound business. I have three children. My eldest daughter xxxx(name withheld), whose date of birth is 28.04.2010, studies in Class 9th at Government Senior Secondary School, village Lalheri. On 15.04.2025, my daughter xxxx(name withheld), as per her daily routine, left for school at about 07:30 AM on her bicycle to give her exam. At around 01:30 PM, I received a phone call from her school teacher informing me that xxxx(name withheld) had not arrived at school for her exam. Upon this, I, along with my wife Manpreet Kaur, started searching for my daughter, but neither we found her nor her bicycle anywhere. Around 4 months ago, one Bir Singh son of Surjit Singh resident of village Kotla Bhari, had approached me regarding marrying my daughter xxxx(name withheld). I had told him that my daughter is still a minor and her marriage cannot be solemnized. He had



admitted his mistake and assured that he would not trouble my daughter again. On 15.04.2025, Bir Singh sent me a voice message from his mobile number 78143-64116 to my mobile number 82642-01787 stating that he is in contact with my daughter and that his family is aware about it. Thereafter, my wife Manpreet Kaur, while searching for our daughter xxxx(name withheld), met Bir Singh's father Surjit Singh at Nawab Jassa Singh Ahluwalia School, village Rahoan. He told me, "My son Bir Singh is the one who has eloped with your daughter xxxx(name withheld), and we are also searching for them. If we find them, we will hand your daughter over to you." We have been continuously searching for our daughter xxxx(name withheld) but have not found any clue regarding her whereabouts. I now firmly believe that my daughter xxxx(name withheld) has been allured and misled with the false promise of marriage and taken away from home by Bir Singh son of Surjit Singh with the connivance of his father Surjit Singh. When we checked at home, we found that gold ornaments kept in the bed inside the room, including a gold necklace and gold earrings weighing approximately 3 tolas, Rs. 15,000 in cash, and my daughter's documents including her Aadhaar card were missing, which xxxx(name withheld) took along with her while leaving the house. Today, I along with my wife Manpreet Kaur came to the police station to report the matter and met you at the main gate of Police Station Sadar Khanna. It is requested that my daughter xxxx(name withheld) be traced as soon as possible and strict legal action be taken against Bir Singh son of Surjit Singh and his father Surjit Singh."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is 19 years old boy, has been falsely implicated in this case only on the basis of suspicion by the father of the victim. It has also been submitted that the victim in her statement recorded under Section 164 Cr.P.C., stated that she had left her home on her own sweet will. He further submits that the petitioner has undergone an actual custody of 03 months and there is no other case registered against him.

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 03



months. He on instructions from ASI Avtar Singh, submits that challan has been presented on 07.7.2025 and 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, challain in the present case was presented on 07.7.2025. The petitioner has undergone actual custody of 03 months, 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

August 11, 2025
Gurpreet Singh

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