



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

(223)

CRM-M-43079-2025 (O&M)**Date of Decision: 13.8.2025**

Mangat Ram

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, 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. 112 dated 09.11.2024 under Section 64 of BNS, 2023 and Section 4 of POCSO Act, 2012, registered at Police Station Khuhi Khera, District Fazilka.

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

“Statement of xxxxxx (name withheld) daughter of Om Parkash, resident of village Khui Khera now resident of Hira Wali, District Fazilka aged about 17 years. Stated that I am resident of the above address and am studying in the tenth standard at Government Senior Secondary School, Hira Wali. I have an elder sister, then myself and other two do of younger sisters. We work vegetables. On 07-11-2024, at about 11:30 pm, we whole family was sleeping in one room. I went out of my room to go to the washroom, and there is no gate to our house. I was going inside room after washroom, then Mangat Ram son of Gopi Ram, resident of Hira Wali who is resident of opposite to our house, came from behind and caught hold me and took me to a room in his house where there was no family member in his house. He threw me on the bed in the room and had sexual intercourse with me against my wish. At that time, my family



members came to Mangat Singh's house looking for me. When my father called out to us, Mangat Singh ran away from the spot. When I came out of the room of Mangat Singh's house, I told the entire incident to my family members and on the next day, my parents told my aunt Saroj Rani and my maternal uncle Lacchman Ram about the incident that happened to me. Who admitted me to Civil Hospital Fazilka on 09-11-2024, where the doctor conducted my medical examination regarding rape. Today, my statement is recorded in the presence of my maternal uncle Lachhman Ram at Civil Hospital Fazilka. This Mangat Ram son of Gopi Ram resident of Hira Wali has done a wrong with me. Appropriate action should be taken”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the prosecutrix. It is submitted that there is a delay of 02 days in lodging the present FIR. It has further been submitted that all the material witnesses already stand examined. Furthermore, the victim has not supported the prosecution case and was declared a hostile witness. He has placed reliance on the statement of the victim (Annexure P-2). He further submits that the petitioner has undergone an actual custody for the last 08 months and 30 days 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 08 months and 30 days. He on instructions from the ASI Birbal Singh submits that charges in the present case were framed on 03.3.2025 and out of total of 17 prosecution witnesses, 04 have been examined till date. 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 were framed on 03.3.2025 and out of total 17 prosecution witness, only 04 have been examined till date. The petitioner has undergone actual custody of 08 months and 30 days, and there is no other criminal case registered against him. The material witnesses have been examined and the victim has turned hostile. 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 13, 2025
Gurpreet Singh

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