



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109+210

CRM-M-44721-2025(O&M)
Date of Decision: 19.11.2025

GURWINDER SINGH @ BABBU

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondents(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Ms. Riffi Birla, Advocate for the applicant/petitioner.

Mr. Amandeep Samra, AAG, Punjab.

ALOK JAIN, J. (Oral)

CRM-46472-2025

The application has been filed for placing on record copy of statement of victim dated 03.03.2025 as Annexure P-3.

For the reasons stated in the application, the same is allowed, subject to all just exceptions. Anneuxure P-3 is ordered to be taken on record.

CRM-M-44721-2025(O&M)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No.03 dated 27.01.2024, under Section 376 IPC (offence under Section 450 IPC added later on), registered at Police Station Sadar Jalalabad, District Fazilka.

2. Learned counsel for the petitioner submits that the entire allegations levelled in the FIR are false and concocted and in fact the prosecutrix is a married lady and on account of her matrimonial discord with



her husband, she was living with her parents. It is a positive case of the petitioner that he is a young boy of 22 years and was compelled to solemnize marriage with the prosecutrix and when he declined to do so, he was entangled in the present FIR with sole intent to pressurise him to marry with the prosecutrix. It is submitted that there is an unexplained delay of four days in registering of FIR. The petitioner is in custody for last 01 year 07 months 10 days. Moreover material witness have been examined.

3. *Per contra*, learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record. As per the same, the petitioner has been in custody for the last 01 year 07 months 10 days. It is also submitted that the petitioner happens to be a close relative of the prosecutrix and he has violated her. The FSL report is yet to be obtained. Learned counsel for the State further submits that it is not disputed that there are three more cases registered against the petitioner and he does not have clean antecedents.

4. In light of the above and the fact that the petitioner has already undergone incarceration for the last 01 year 07 months 10 days, coupled with the facts that the material witnesses have been examined and the trial is likely to take considerable time, therefore, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petitioner is held entitled to the concession of regular bail with the stringent conditions that petitioner shall not interact or try to communicate with the complainant's family directly or indirectly and liberty is granted to the State



as well as complainant to approach the appropriate authorities in case the petitioner violates the above said conditions.

5. Without commenting upon the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on bail, if not required in any other case, on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. The petitioner shall, however, be released on the following conditions:

- i The petitioner shall declare her ordinary place of residence and the mobile number used by her.
- ii The petitioner will not switch off her mobile and in case of any technical glitch, she has to give an alternate number, which will be available in her absence.
- iii The petitioner will mark her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark her presence, she is permitted to make an application before the Illaqa Magistrate, concerned.
- iv The petitioner will not leave the country without the prior permission of the Court, for which she will submit the copy of her passport also. However, in case the petitioner does not possess a passport, then she shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.

7. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly



move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

8. Pending application(s), if any, shall stand disposed of.

19.11.2025

Deepak Patwal

(ALOK JAIN)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |