



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(226)

CRM-M-44331-2025 (O&M)

Date of Decision: 10.09.2025

RANJEET

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

CRM-36157-2025

Allowed as prayed for subject to all just exceptions.

Main case

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.73 dated 27.03.2025 under Sections 96 and 137(2) of BNS (Section 64 of BNS added later on), and Section 4(1) of POCSO Act, registered at Police Station Dera Bassi, District SAS Nagar.

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

“Copy statement, "Statement of Jatinder Kumar son of Mahesh Kumar resident near Inter College Shub Devi, Holi Chowk Mohalla, Hassanpur, Police Station Hassanpur, District Amroha, U.P. Current tenant V.K. Rai, Back Side Sheetla Mata Mandir, Pandawala Mod Mubarikpur Police Station Derabassi District SAS Nagar Mob No: 99882-xxxxx, 98159-xxxxx, stated that I am a resident of the above address and I work at the repair workshop of Pok Line JCB near Saini Dharam Kanda,



we are 04 siblings. Out of which 03 are sisters and one is me. My eldest sister's name is xxxx, who is married, I am younger than her, my younger sister is xxxxx, whose date of birth is 17-08-2009 who is studying in 9th class at DAV School Derabassi and my youngest sister is xxxxx who is studying in 8th class at DAV School. On 23-03-2025 at around 09:00 A.M. my sister xxxx, age around 16 years, who had gone home saying that I have to get the NOC form from Derabassi and has gone from home and has not returned home till now. My parents went to relatives and many other places to find my sister xxxxx, but there was no clue about my sister xxxxx. I suspect that some unknown person has lured my sister xxxxx with the pretext of marriage and taken her away. Right now I do not have any documents regarding the birth of my sister xxxx, later I will present them to you, my sister xxxxx should be searched for and a case should be filed against the unknown person. Legal action should be taken. I have written the statement to you, I have heard it which is correct. Sd/-Jatinder Kumar.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR, which was registered on the statement of brother of the prosecutrix, alleging therein that some unknown person had enticed his sister. It is submitted that the petitioner and the prosecutrix were well known to each other, as there were family relations between both the families. In fact, the prosecutrix had voluntarily left her house and accompanied the petitioner. Further, there are material contradictions in the statements of the prosecutrix recorded under Section 180 BNSS and 183 BNSS. The statement of the prosecutrix under Section 183 BNSS was recorded at a belated stage, making the possibility of it being tutored, as highly likely. Furthermore, the prosecutrix had even refused to undergo her medical examination (Annexure P-4). It is also submitted that as per the ossification test, the age of the prosecutrix has been determined as being between 17 to 19 years (Annexure P-5). The material witnesses i.e. the prosecutrix and the complainant have been examined before the learned trial Court, who have not supported the case of the



prosecution and have been declared as hostile witnesses. The petitioner is a 24 year old man of clean antecedents, and has already undergone an actual custody of 3 months and 6 days.

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 6 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 06.08.2025 and out of a total of 17 prosecution witnesses, only two have been examined. 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 06.08.2025 and out of total 17 prosecution witness, 2 have been examined till date-them being the prosecutrix and the complainant, who have not supported the case of the prosecution and have been declared as hostile. The petitioner has undergone actual custody of 3 months and 6 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 10, 2025
Ithlesh

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