



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

**CRM-M-46389-2025
Decided on: 28.08.2025**

HARMAN SINGH @ HONEY

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. This is petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.3 dated 19.01.2025, under Sections 137(2), 96 of BNS (Sections 64, 61(2) of BNS and Section 4 of POCSO Act, 2012 added later on), registered at Police Station S.G.N Dev Thermal Plant, District Bathinda.

2. The contents of the aforesaid FIR are reproduced herein below:-

“Copy statement, "Statement Amit Kumar son of Pappu Ram son of Sua Ram resident of Sri Guru Nanak Nagar Street No. 04 Bathinda age about 34 years M-82889-14317, states that I am a resident of the above address and I am doing housekeeping work at Saffron Hotel Bathinda. My marriage was solemnized in the year 2007 with xxx daughter of Azad, resident of Moga. We have four girls and one boy. My daughter xxxx aged about 16 years 8 months who had studied up to seventh standard and now was doing domestic work. Yesterday on dated 18/01/2025 at about 7:30 AM I had gone for my work. After that my wife xxxx also at about 8:30 AM went for the same work which she does in people's houses. My daughter xxxx who was at home. My wife who at about 1:00 PM, she had returned home from work. She called me and told me that her daughter xxxx was not at home, I had also reached home at about 2:00 PM, then I and my wife started searching for the girl xxxx. We searched a lot for xxxxx in our neighborhood and relatives, but we did not find her. We have been investigating on our own regarding the disappearance



of my daughter xxx. We investigated but came to know that my daughter xxx alias xxx has been kidnapped by Honey son Sandeep alias Sanju resident of Sri Guru Nanak Dev Nagar, Street No.05, Bathinda. Strict legal action may kindly be taken against him. Statement given heard correct. Sd/- Hindi Amit Kumar further attested by Suraj son Pappu Ram resident of Hardev Nagar Street No.04 Bathinda M-83606-xxxxx further attested by Sd/- Binder Singh ASI Police Station Thermal Bathinda Date 19-01-2025.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the statement of the father of the prosecutrix, alleging that the petitioner enticed his daughter. There is no evidence on record, including medical, to substantiate the allegations levelled against the petitioner, and even the DNA report has turned out as negative. Moreover, there are material contradictions in the statement made by the prosecutrix before the investigating agency, in her statement under Section 164 Cr.P.C. and as a prosecution witness. The material witnesses have been examined. The petitioner, is in custody since 24.02.2025, and has already faced a prolonged incarceration for a period of 06 months and 3 days till date; and there is no other case registered against him.

4. *Per contra* learned State counsel has opposed the bail and submit that there are serious allegations against the petitioner. She filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 06 months and 3 days and there is no other case registered against him. She on instructions, submits that charges were framed on 29.04.2025 and out of total of 24 prosecution witnesses, only 11 witnesses have been examined till date. She, however, 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 24.02.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court; and trial of the case has not made much progress, as charges were framed on 29.04.2025 and out of a total of 24 prosecution witnesses, only 11 witnesses have been examined till date. 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. The grant of bail is warrants drawing a delicate balance of competing legal and societal interests. It is settled law that personal liberty of an individual, a cherished constitutional guarantee, cannot be taken away except in accordance with the procedure established by law. A person accused of committing non-bailable offences can be detained in custody during the pendency of the trial, unless enlarged on bail. However, exercising judicial discretion in bail matters, Courts must be guided by a calibrated assessment of factors such as the nature and gravity of the offence so alleged, the strength of the prima facie case, the likelihood of the accused fleeing justice, tampering with evidence or influencing witnesses, and the overarching interest in ensuring that the trial proceeds fairly and without obstruction.

8. Accordingly, 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 she 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. 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.

10. 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.

11. Meanwhile, learned trial Court is encouraged to conclude the trial expeditiously.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

28.08.2025

Ithlesh

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No