



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

217

**CRM-M-46379-2025
Decided on: 28.08.2025**

UMESH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**PRESENT:** Dr. Sumati Jund, Advocate for the petitioner (through V.C.).

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.21 dated 30.01.2025, under Section 74 of BNS and Section 10 of POCSO Act, 2012, registered at Police Station City Rupnagar, District Rupnagar.

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

“Copy of statement, "Statement xxx daughter of Pappu resident of Bhinder Nagar Tibba Tappriya Police Station Nurpurbedi District Rupnagar presently resident at tenant Mangal Singh son of Babu Ram near Pawan Diary Kotla Nihang Police Station City Rupnagar District Rupnagar age about 19 years Mo.No.98770-16784 stated that I am a resident of the above address and do manual labour work. I am living in a rented house in village Kotla Nihang with my husband Yogesh and in-laws. On 27.01.2025 at around 03.30 PM, my sister-in-law xxxx, who is about 12 years old, came to me crying and said that at around 02.00 PM, I had gone to the bank of Gobind Valley Rupnagar canal near Bhakra canal to get wood with uncle Umesh and aunt Pooja. Then my sister-in-law xxxx said that my uncle Umesh took me to a separate bush saying that I had collected wood for you and said come let me carry wood and took me to a separate place where he grabbed me from behind and touched my chest and when I tried to stop him from doing so he slapped me and was about to touch my salwar so I bit his hand and then my sister-in-law xxxx ran away from the said occasion and came home after which I told this whole conversation to my mother-in-law xxxx from whom I came to the police station today along with my mother-in-law xxx and sister-in-law xxxx and



*wrote my statement to you which I heard is correct. Correct/- xxxx
Confirmed Statement Correct/- xxxx (Hindi) (Mother-in-law xxxx)
Verification Sd/- Charanjit kaur SI Police Station City Rupnagar
Date 30.01.2025.”*

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the statement of the sister-in-law of the prosecutrix, levelling allegations of molestation of the minor prosecutrix. It is submitted that there is no evidence on record that indicates towards the complicity of the petitioner. Further, the prosecutrix, her mother and the complainant have turned hostile before the learned trial Court. The petitioner, is in custody since 31.01.2025, and has already faced a prolonged incarceration for a period of 06 months and 27 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. Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 6 months and 27 days and there is no other case registered against him. She on instructions, submits that charges were framed on 27.03.2025 and out of total of 10 prosecution witnesses, only 05 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 31.01.2025. 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 27.03.2025 and out of a total of 10 prosecution



witnesses, only 05 witnesses have been examined till date. Moreover, the material witnesses have turned hostile. 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

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>