



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218)

CRM-M-48155-2025 (O&M)
Date of Decision: 29.10.2025

Janko Rani @ Simranjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.K. Kachura, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

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.110 dated 02.09.2019 under Sections 354, 323, 34 IPC (Section 354 IPC deleted and Section 354-B IPC added later on), registered at Police Station Sadar Jalalabad, District Fazilka.

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

“Statement of complainant xxxx wife of Balwinder Singh son of Karnail Singh, resident of Mohkam Arain, aged about 35 years, M No.98720-xxxxx stated that I am a resident of above written address and doing household work. On dated 30.08.2019 at about 7:00 at evening that me and my grandmother in law xxxxx wife of late Hakam Singh were present at home and remaining family had gone outside for work in the field and I was cooking food then Bachan Singh son of Bagga Singh resident of village Mohkam Arain who is our neighbour, raised a lalkara on the roof of his



house that we are chairman, the police cannot do anything to us. Thereafter, Jagdish Singh son of Bachan Singh, Mangat Singh son of Bachan Singh, Veena Rani wife of Mangat Singh, Channi son of Surjeet Singh, Sandeep Singh son of Surjeet Singh, Raj Rani daughter of Surjeet Singh, xxxx wife of Sandeep Singh residents of Mohkam Arain also came to our house and after coming, started fighting with me and grandmother in law. Jagdish Singh son of Bachan Singh, Sandeep Singh son of Bachan Singh residents of Mohkam Arain dragged me to the room. Thereafter, both of them committed rape upon me and torn my all the clothes. I tried to escape myself from them but these above said accused persons caught my legs and arms but I made a noise also. They tied a cloth (Chunni) on my mouth. My grandmother in law made a noise. The neighbours gathered after listening the same. Above said all accused persons fled away from the spot and thereafter, my husband Balwinder Singh came and took me to Civil Hospital, Jalalabad where the doctor referred me to Guru Gobind Singh Medical College, Faridkot due to non-availability of a lady doctor where I am being treated. The statement got written, heard and is correct, is claimant, action be taken. RTI xxxx above said, signatures of the witness in Punjabi Balwinder Singh son of Karnail Singh resident of Mohkam Arain. Identified SD/- Parmjeet Kaur SI, Police Station Sadar Jalalabad, Dated 2.9.19.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. A bare perusal of the FIR reveals that neither have any specific allegations been levelled against the petitioner, nor has any particular role been attributed to her in the commission of the alleged offence. In fact, the petitioner was granted the concession of anticipatory bail vide order dated 13.05.2022. On one date i.e. on 29.07.2024, the petitioner could not appear before the learned trial Court, as she had noted wrong date of hearing, because of which her surety bonds



declared a proclaimed person vide order dated 11.11.2024 passed by the learned trial Court. The petitioner challenged the said order through her filing CRM-M-25343-2025, but the same was dismissed as infructuous, as the petitioner was arrested on 02.07.2025. It is further submitted that the absence of the petitioner, was neither willful nor intentional, and has already undergone an actual custody of 3 months and 26 days. There is no other case registered against her.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 26 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 13.03.2023 and out of a total of 16 prosecution witnesses, 11 have been examined. She submits that in view of the serious allegations against the petitioner, she 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 13.03.2023 and out of total 16 prosecution witness, 11 have been examined till date. The petitioner has undergone actual custody of 3 months and 26 days, and there is no other criminal case registered against her. 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

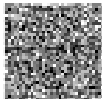


being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar 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 her 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

October 29, 2025
Ithlesh

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