



CRM-M-48462-2025(O&M)

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

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**CRM-M-48462-2025(O&M)
Decided on: 12.09.2025**

Aad Ram @ Aadhu Ram

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Abhaysher Singh, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)**CRM-36901-2025**

This application under Section 528 of BNS has been filed for adding Section 376 IPC and Sections 4 and 6 of POCSO Act along with Sections 363 and 366-A of IPC in the head note and prayer clause of the main petition.

The application is allowed as prayed for. Section 376 IPC and Sections 4 and 6 of POCSO Act be added in the head note and prayer clause of the main petition. Registry is directed to make necessary correction in the head note and prayer clause of the main petition.

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1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.228 dated 25.10.2023, under Sections 363 and 366-A IPC (Section 376 IPC and Sections 4 and 6 of POCSO Act added lateron), registered at Police Station



Lambi, District Sri Muktsar Sahib, Punjab.

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

“Statement of Sahib Ram son of Parkash Ram son of Mangla a Ram, resident of Kakhawali, aged approximately 50 years, Mobile No.: 97802-xx xx: I am resident of the aforementioned address and work as a daily wage labourer. We are three brothers the eldest being Rampal, followed by myself, and the youngest Harman Ram. Among us, Rampal has passed away. I have been married to Krishna Devi daughter of Doda Ram, resident of Odki, District Ganganagar, for approximately 32 years. I have six daughters and one son. The eldest daughter is xxxxxx, aged approximately 22 years; next to her is xxxxxx, aged approximately 21 years; next to her is xxxxxx, aged approximately 19 years; then xxxxxx, whose date of birth is 21.06.2007; followed by Sukhpreet Kaur, aged approximately 13 years; next is Rajni Devi, aged approximately 10 years; and the youngest is my son Jeet Ram, aged approximately 9 years. xxxxxx, xxxxxx and xxxxxx are married, and the remaining children are unmarried. My daughter xxxxxx is studying in the 9th class at the Government School, Kakhawali. Sonu Ram is the son of my uncle Dara Ram. Due to the death of Sonu Ram's mother, he had been living at my house for the past approximately 10 to 12 years. On the night of 23.09.2023, I had gone to irrigate the fields. When I returned home after irrigating the fields, I found that my daughter xxxxxx was not at home. Upon this, I began searching for my daughter in the nearby areas and among relatives on my own, but I was unable to find my daughter xxxxxx anywhere. Upon my inquiry, I have come to know with certainty that Sonu Ram son of Dara Ram, resident of Kakhawali, in collusion with his relative Aadu son of Rajinder, resident of Ajamwala (Abohar), lured and misled my minor daughter xxxxxx under the false pretext of marriage and took her away. Today, I, along with Baldev



Singh son of Dalip Singh, resident of Kakhawali, have come to the police station to report the matter. Action be taken against Sonu Ram and Aadu Uktaan, and my daughter be searched for. I have stated my statement to you, which has been heard and found correct. LTI”

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, wherein he levelled the allegation that the main accused in collusion with the petitioner had enticed away his daughter. It is submitted that the petitioner was nominated as an accused solely for the reason of him being the relative of main accused, with whom the prosecutrix has since solemnized marriage, and also had a child. The petitioner is in custody since 29.08.2024 and his custody period is 01 year and 13 days.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. She 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 01 year and 13 days. She on instructions from investigating officer submits that charges were framed on 07.11.2024 and out of a total of 19 prosecution witnesses only 02 have been examined till date. She, however, submits that in view of the serious allegations against the petitioner, petitioner 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 29.08.2024. 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 07.11.2024 and out of a total of 19 prosecution witnesses only 02 have been examined till date. The culpability, if any, would be determined at the time of 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. 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.

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



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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

12.09.2025
Kapil

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