



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

(220)

CRM-M-48903-2025 (O&M)

Date of Decision: 09.9.2025

Vijay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Manpreet Singh Sidhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 108 dated 20.6.2022 under Sections 346 and 366 of IPC, registered at Police Station Pasyana, District Patiala.

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

"At this time it is recorded that a statement made by Amarpreet Singh son of late Harinder Singh resident of house number 223 Charan Bagh Patiala, police station Civil Lines, Patiala, aged about 32 years, Mo: No: 99885-xxxxx, written by ASI Bhagwant Singh 3121/Pt: Mamura Chowki Dakkala, Police station Pasyana, for the purpose of registration of FIR against an unknown person or persons under section 346 IPC, has been received at police station by hand through PHG Camdin No. 30081, which states as, "Stated that I am a resident of the above address and I am doing bank recovery work privately and we are four siblings. My sister xxxxxxx wife of Mukhtiar Singh, resident of village Bhanra, tehsil and district Patiala, has been married to him for about 15 years. He has three daughters, elder daughter Jaskirat Kaur, aged about 12 years, younger daughter Khushpreet Kaur, aged about 9 years and the youngest daughter Shubhmanjit Kaur is about 4 years old and my sister is innocent that my sister xxxxxxx along with her three daughters Jaskirat Kaur, Khushpreet Kaur and Shubhmanjit Kaur on 18-06-2022 at around 6:45 morning has gone from her home somewhere without informing anyone. We suspect that some



unknown person has lured my sister xxxxxxxx and taken her somewhere with him and my sister has taken her three daughters Jaskirat Kaur, Khushpreet Kaur and Shubhmanjit Kaur with her, whom we have been searching for till now but we have not found them anywhere. Today I was coming to Chowki Dakkala to inform you. You along with the police party met me at Dana Mandi Gate Dakkala where I wrote a statement to you and read it and heard it. Please take legal action.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner was earlier granted the concession of regular bail by a co-ordinate Bench of this Court on 24.5.2023 passed in CRM-M-41980-2022, keeping in consideration the statement of the victim whereby she levelled allegations of beatings against her husband, and in view of her admission that she was in love with the petitioner and had left home at her own accord. However, inadvertently due to the noting of incorrect date, the petitioner could not appear before the learned trial Court on 10.3.2025 and the said absence of the petitioner was neither deliberate nor intentional. On account of the said absence of the petitioner, his bail bonds bonds and surety bonds were cancelled and nonailable warrants were issued against him. It is further submitted that the petitioner appeared before the learned trial Court, however, on that day the Presiding Officer was on leave. Subsequently, on 09.7.2025 the petitioner surrendered before the learned Court below and since then he has been in judicial custody. He further submits that the material witnesses in the instant case, including the victim herself, have already been examined before the learned trial Court. The petitioner has already undergone an actual custody of 01 year, 01 month and 03 days and there is no other case registered against him.

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 01 year, 01 month and 03 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 30.9.2022 and out of total 16 prosecution witnesses, 05 have been examined till date and 05 witnesses have been given up. 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 30.9.2022 and out of total 16 prosecution witness, only 05 have been examined till date and 05 prosecution witnesses have been given up. The victim stands examined before the learned trial Court. The petitioner has undergone actual custody of 01 year, 01 month and 03 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 09, 2025
Gurpreet Singh

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