



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

(228)

**CRM-M-49433-2025 (O&M)
Date of Decision: 10.09.2025**

HARPAL SINGH ALIAS BHALA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.S. Sandhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. This is the second petition filed under Section 483 BNSS for grant of regular bail to the petitioner in case FIR No.60 dated 12.04.2024 under Section 376 of IPC, and Section 6 of POCSO Act, registered at Police Station Chheharta, District Amritsar.

2. The first petition was dismissed as withdrawn on 08.01.2025.

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

“Statement of xxxxx, wife of Jagjit Singh, resident of village Ranike, near Nishan School, Amritsar. Age 47 years. Mobile No. 87278-xxxxx. Stated that I am a resident of the above address and do domestic work. My husband works as a laborer. I have two children, the elder daughter xxxx, who is about 14 years old and has passed the sixth standard from Government Secondary School Ranike, Amritsar and now lives in her own house and the younger one xxxxx, who is about 12 years old. On 4/4/2024, I had gone out for my domestic work, so when I returned, my daughter xxxxx was crying. When I asked my daughter xxxxx what happened to you, my daughter told me that



four months ago, when she was returning home from Ghanupur Kale. Amritsar after working, at that time a boy named Jaspal alias Bhala, resident of Kaunke, often stopped her on the way and threatened her. He used to force me to talk, due to which my daughter was afraid to talk to him. My daughter told me that during the last four months (Jaspal Singh used to threaten my daughter about five or six times, taking her to Jaspal Singh's aunt's house when no one was there and there he used to have sexual intercourse with my daughter without her consent. The boy Jaspal Singh used to have sexual intercourse with my daughter without her consent and ruined her life. Till now we could not inform the police for fear of our disgrace, but now we have come to write our statement to you. Please take legal action against Jaspal Singh and get justice for me and my daughter. SD/- xxxx RTI verification Rajwant Kaur SI Police Station Chheharta Amritsar date 12-04-24.”

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of mother of the prosecutrix, levelling allegations against the petitioner of establishing forceful physical relations with her daughter. There is unexplained delay of 8 days in the registration of the present FIR. Furthermore, as per the DNA report, the petitioner is not the biological father of the aborted fetus, and thus there is no direct evidence to substantiate the allegations so levelled. The material witnesses in the case have been examined. The petitioner is the man of clean antecedents and has already undergone an actual custody of 1 year, 4 months and 25 days.

5. *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 1 year, 4 months and 25 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of



the case has not made much progress, as charges were framed on 04.07.2024 and out of a total of 17 prosecution witnesses, seven have been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. Admittedly, the charges were framed on 04.07.2024 and out of total 17 prosecution witness, 7 have been examined till date. The petitioner has undergone actual custody of 1 year, 4 months and 25 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.**

8. 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.
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. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

September 10, 2025
Ithlesh

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