

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

CRM-M-51625-2025 (O&M)
Date of Decision: 27.11.2025

RAVI BHATTI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shokeen Singh Verma, Advocate
for the petitioner.

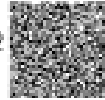
Ms. Aakanksha Gupta, AAG, Punjab.

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.69 dated 10.12.2024, registered under Section 75 of BNS and Section 8 of POCSO Act, at Police Station Tibber, District Gurdaspur.

2. Briefly put, the allegations leading to the registration of the present FIR, filed upon the complaint moved by the mother of the prosecutrix, against the petitioner are that on 08.09.2024, the petitioner came to their house and started doing indecent acts with the minor prosecutrix.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the mother of the prosecutrix. It is submitted that the families of the petitioner and the complainant are related in relations. In fact, the petitioner's family had been providing financial assistance to the family of

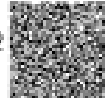


the complainant for around 8 to 10 years. However, when they could not continue to do the same due to paucity of funds, the complainant started to hold a grudge against the petitioner and his family members. It is further submitted that there is no evidence to connect the present petitioner with the present FIR. Moreover, there are material contradictions in the statements of the prosecutrix recorded on 12.11.2024, 12.12.2024 and 28.01.2025. The material witnesses in the case stand examined. Learned counsel submits that the petitioner has already undergone an actual custody of 10 months and 11 days as an under-trial.

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 10 months and 11 days. Furthermore, the petitioner is involved in three other cases, out of which he stands convicted in one case. Investigation in the instant case is complete. The final report under Section 173 Cr.P.C. has been presented before the concerned Court. The charges were framed on 25.02.2025 and out of a total of 10 prosecution witnesses, five have been examined. She 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 25.02.2025 and out of total 10 prosecution witnesses, only 5 have been examined till date. The petitioner has undergone actual custody of 10 months and 11 days. The

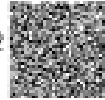


during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of 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. As regards the submission of learned State counsel that petitioner is involved in three more criminal cases, it has been held by the Hon’ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other case(s). The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

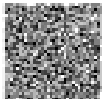
8. The grant of bail warrants drawing a delicate balance of competing legal and societal interests. It is settled law that personal liberty of an individual, a cherished constitutional guarantee, cannot be taken away except in accordance with the procedure established by law. A person accused of committing 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



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.

9. 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.
- (vi) The petitioner shall not make any attempts to re-associate with the victim girl in any manner either through a device or in-person.



10. 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.
11. 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.
12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

November 27, 2025
Ithlesh

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