



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

(210)

CRM-M-53638-2025

Date of Decision: 26.09.2025

Karan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS") has been invoked for grant of regular bail to the petitioner in case FIR No.0016 dated 07.03.2025, under Sections 137(2), 87 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Khem Karan, District Tarn Taran (Annexure P-1).

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

"Statement of Sonu Singh 8/6 Darshan Singh S/o Inder Singh R/o Ward 05 Khem Karan aged about 42 year mobile no. 62800-32506. It is stated that I am resident of above mentioned address and used to do labour work. I am having three children and eldest is my daughter xxxxx who is aged about 18 years and younger to her is my daughter xxxxx who is aged about 17 years and youngest is my son Amritpal Singh who is aged about 15 years. On dated 12.02.2025 I as per my daily routine has gone to my work from my house my wife and my three children were present in the house. At about 8:00 PM I came back to my house and the people from my neighbourhood have gathered outside my house and when I enquired from my wife xxxxx about the matter then my wife disclosed to me that our daughter xxxxx has gone to some undisclosed location at about 6:00 PM from our house without disclosing and without asking from anyone. That I try to find out my daughter nearby but I could not find my daughter



xxxxx. Then I came to know that my daughter xxxxx has been enticed away by Karan s/o Ashok Kumar resident of Khem Karan on pretext of marriage and he has committed this under the pre-hatched conspiracy and he has enticed away my daughter xxxxx. That I and my family members were looking for our daughter xxxxx in a relation and have tried to locate her but I could not find my daughter. That I will present the birth record of my daughter xxxxx later on. I have got recorded my statement before you which has been read over and the same has been admitted to be true, thus the appropriate legal action may kindly be taken -Sd/- Sonu Singh.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is young man of 20 years and who has been falsely implicated in the instant case on the statement of the father of the prosecutrix. There is an unexplained delay of 23 days in lodging the present FIR, as the alleged incident is stated to be of 12.02.2025, whereas the present FIR has been lodged on 07.03.2025. It is also stated that the prosecutrix in her statement recorded before the learned Magistrate did not support the case of the prosecution, rather she categorically stated that she had left her house out of her own sweet will. It is also stated that the petitioner has undergone an actual custody of 03 months and 14 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 03 months and 14 days and there is no other criminal case registered against him. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, challan was presented on 08.08.2025 and charges are yet to be framed. 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 investigation in the present case stands completed whereafter the challan was presented on 08.08.2025. The petitioner has already undergone actual custody of 03 months and 14 days. There is no other criminal case registered against him. The veracity of the allegations levelled 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 26, 2025
Anjal

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