



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

(213)

CRM-M-58286-2024(O&amp;M)

Date of Decision: 04.09.2025

MANDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Kushagra Mahajan, Advocate  
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Vipul Aggarwal, Advocate for the complainant.

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**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.23 dated 23.04.2024 under Section 376 of IPC, registered at Police Station PS Women Cell, District Police Commissionerate Amritsar.

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

*“To, The Honourable Commissioner of Police, Amritsar, Subject: Application against Mandeep Singh son of Gurmeet Singh and his parents, residents of 264, Street No.3, Mehta Road, Baba Sangat Singh Nagar, Amritsar, regarding the promise of marriage made by Mandeep Singh's parents in front of respectable persons and police officers on 30.11.2023 and again on 28.01.2024. However, they later sent Mandeep Singh to an unknown location without marrying him to me, causing financial losses to my parents and defaming our family in society. A case should be registered and legal action be initiated against them under relevant offenses for defaming us and disrespecting us in the society. Respected Sir, I xxxxxx daughter of*



*Joga Singh, resident of 810, Street No. 12, Mehta Road, Makboolpura, Amritsar, respectfully submit the following: 1. That Mandeep Singh had a one-and-a-half-year love affair with me and promised that, no matter what, he would marry me. He took me to a hotel 3-4 times and engaged in physical relations with me. 2. After exploiting me physically, Mandeep Singh started hesitating and delaying marriage with me. The applicant, xxxxxx has submitted a copy of the application as evidence. Later, Mandeep Singh defaulted on a given deadline for marriage, following which xxxxxx submitted another application. In this application, they compromised the matter, and a marriage date of 28.01.2024 was fixed, which was agreed upon by Mandeep Singh and his family members. xxxxx has submitted a photocopy of the compromise as evidence. According to the agreed-upon date, xxxxx and her family made all necessary preparations for the wedding. A "Chooda" ceremony was held on 17.01.2024, a few days before the wedding, in which Mandeep Singh's parents also participated. xxxxx has submitted photos of this function as evidence. However, on the wedding day, Mandeep Singh's family informed her that Mandeep Singh had run away from home and was refusing to marry her. Confidential and public reports reveal that Mandeep Singh misled xxxxx by agreeing to marry her but fled on the day of the wedding. Subsequently, he married another woman named xxxxx."*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix wherein she alleged that the petitioner developed physical relations with her on the pretext of marriage. It is submitted that in order to sustain the allegation of establishing physical relations on the false pretext of marriage, it has to be shown that there was an intention of deceiving from the very inception, to prove which in the instant case there is no evidence on record; and mere breach of promise does not constitute an offence. Furthermore, even the allegations levelled against the petitioner are generic and non-specific in nature. It is submitted that the petitioner is a 27 year old man with clean antecedents, and has already undergone an actual custody of



1 year, 3 months and 8 days. Even the material witnesses in the present case have been examined by the learned trial Court.

4. *Per contra*, learned State counsel as well has complainant vehemently opposed the submissions made by the learned counsel for the petitioner. They state that the petitioner was actively involved in the commission of the offence. Learned State counsel 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, 3 months and 8 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 recently framed on 16.05.2025 and out of a total of 22 prosecution witnesses, only two 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 16.05.2025 and out of total 22 prosecution witness, 2 have been examined till date. The petitioner has undergone actual custody of 1 year, 3 months and 8 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 04, 2025**  
Ithlesh

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