

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(223)

CRM-M-59510-2025 (O&M)

Date of Decision: 27.11.2025

LAVPREET SINGH ALIAS LOVEPREET SINGH

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kamal Gupta, Advocate for the petitioner.

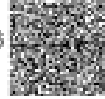
Mr. Brijesh Sharma, AAG, Haryana.

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.687, dated 28.12.2022, registered under Sections 363 and 366-A of IPC, and Sections 6, 10 and 12 of POCSO Act, (Sections 120-B, 323, 341, 343, 354-A, 354-C, 354-D, 372, 376(2)(n), 376-D of IPC added later on), at Police Station Rania, District Sirsa

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

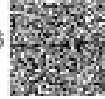
“To, SHO Kariwala, Police Station Rania, Sir I request that I am Balkar Singh son of Sohan Singh resident of village Bani and do manual labour work. I have four children, one of whom is Akashdeep aged 17 years, three girl namely xxxxx aged 15 years, xxxxx aged 13 years, xxxxx aged 10 years. On 27.12.2022, at around 2/2.30 PM in the day, I my son-in-law Bagga Singh and my daughter xxxx were at home, then girl xxxx said that I have to go to the shop, saying this my daughter xxxxx went to the shop. Then even after waiting for a long time, my daughter xxxxxx did not return home. I and my wife xxxxxx also searched for my daughter xxxxxx in the neighbourhood, but my daughter xxxx was not found. During the search, I came to know that some unknown person has taken my daughter xxxxxx with him by



making some excuse and it is Charanjeet Kaur village Bani, who has helped in elopement of my daughter xxxxxx. My daughter has long face, dark complexion, height about 5ft 3 in., artificial top in ear, bangle in right hand, painted yellow salwar suit on body, shoes on feet. You are requested to make an inquiry from Charanjeet Kaur resident of village Bani and complete the investigation and get my daughter xxxxxx and take legal action against the unknown person.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case, despite not having been initially named as an accused in the FIR. It is submitted as per the two MLRs of the prosecutrix, no mark of fresh injury was seen at the time of her examination. In fact, the prosecutrix had initially even refused to undergo her internal examination, though she later consented to it. Furthermore, while placing reliance on the zimni orders of the learned trial Court (Annexure P/9), it is submitted that despite summons having been issued against the prosecutrix, she is not appearing before the learned trial Court for recording her testimony. It is the vehement contention that this is not the only case instituted at the instance of the victim, as another FIR No.236 dated 12.04.2024 under Sections 363, 366-A of IPC (Sections 323, 344, 376(2)(n), 376-D of IPC and Section 6 of POCSO Act added later on), (Annexure P-4) also stands registered on similar set of allegations. Moreover, four other co-accused have been granted the concession of regular bail by this Court. He has further submitted that the petitioner has already faced a prolonged custody period of 2 years, 10 months and 1 day as as under-trial. There is no other case 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 as well as status report in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone



an actual custody of 2 years, 10 months and 1 day. There is no other case registered against him. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 19.05.2023 and out of a total of 23 prosecution witnesses, one has been examined. He, on instructions submits that the whereabouts of the prosecutrix is not known due to which her statement could not be recorded. However, 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 19.05.2023 and out of total 23 prosecution witnesses, only one has been examined till date. The petitioner has undergone actual custody of 2 years, 10 months and 1 day, 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

November 27, 2025
Ithlesh

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