

**CRM-M-62615-2024****224****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-62615-2024****Decided on: 26.03.2025**

Arshdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent : Mr. R.S. Sidhu, Advocate
for the petitioner.

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 39 dated 08.04.2024 registered under Sections 363, 366-A and 120-B IPC 1860 at Police Station Khalra, District Tarn Taran.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“Statement of Ranjit Kaur, wife of Saraj Singh, resident of Narli, aged 34 years, mobile number 88470-73209, it is stated that I am resident of the above-mentioned address and works as a laborer. I have three daughters and one son. My daughter, Renukapreet Kaur, born on 15-01-2007. One daughter is older than her, and one daughter and one son are younger than her. Renukapreet Kaur has studied up to the 10th grade. On dated 07-04-2024, after having dinner, I, my husband, and my daughters and son went to sleep. On dated 08.04.2024, when I woke up. I found that my daughter Renukapreet Kaur was not in her



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bed. I informed my husband, Saraj Singh, and my brother-in-law, Sandeep Singh (son of Niranjan Singh). They searched for our daughter, but now we came to know that my daughter Renukapreet Kaur had been lured away by Arshdeep Singh son of Kuldeep Singh, resident of Narli, Amrik Kaur wife of Malook Singh, Gursewak Singh son of Malook Singh, Akash Singh son of Kuldeep Singh residents of Narli and Manjeet Kaur wife of Surjit Singh, resident of Narli at present Patti on the pretext of marriage. Till now we are searching for her but Renukapreet Kaur could not be found. I, along with my brother-in-law Sandeep Singh, going to police station for giving information, you met. I got recorded my, statement to you. Legal action be taken against the accused persons. Statement recorded, heard is correct. Thumb impression/- Ranjit Kaur above, verified by Sandeep Singh above. Attested by Sd/- Satnam Singh ASI, Police Station Khalra. Dated 08.04.2024.”

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He further submits that the petitioner neither allured daughter of the complainant in any manner nor did he participate in the alleged occurrence. He submits that in the statement suffered by the prosecutrix under Section 164 Cr.P.C., she admitted her acquaintance with the petitioner. It is further stated that the petitioner has been in custody since 15.04.2024 and there is no other case registered against him.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel on instructions submits that charges were framed on 01.10.2024 and out of a total of 16 prosecution witnesses, 06 prosecution witnesses have been examined. He further submits that petitioner has undergone an actual custody of 11 months and 10 days and there is no other case pending against him. Thus, in view of the serious allegations against the petitioner, he is not entitled to the concession of



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regular bail.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 15.04.2024. The trial of the case has not made much progress as out of 16 prosecution witnesses, only 06 prosecution witnesses have been examined so far. 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 violate 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.

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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

26.03.2025*reena*

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No