



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

(226)

CRM-M-62552-2025 (O&M)
Date of Decision: 13.11.2025

OM PARKASH SINGH @ OM PARKASH KASHYAP

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. 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.90 dated 23.07.2025 under Sections 74, 75(2) and 3(5) of BNS, 2023, and Section 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Mohkampura, District Amritsar.

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

“Statement of the victim (S), daughter of Rajwinder Singh, resident of Street Number 21, near Ghanyia Hospital, Tungpai, Amritsar, aged approximately 15 years and 8 months (Date of Birth 10-11-2009). The victim stated that she is a resident of the aforementioned address. We are two siblings, my elder brother is Gurpreet Singh, and I am younger to him. My mother xxxx, has passed away, and my father works as a daily wage laborer. I studied up to the seventh class at Government Middle School, Krishan Nagar, Mohkampura, Amritsar, and dropped out of the eighth class. We have a shared house where, on the ground floor, my aunt, grandfather, grandmother, paternal uncle (father's brother), aunt (uncle's wife),



and their children live. We live on the upper floor of the house. On 14.07.2025, at around 8:30 p.m. two friends of my father whom I know earlier and whose names are Monu and Prakash, were sitting in the courtyard of our house and were consuming alcohol with my father. My father asked to bring water so I came out of the room and gave them water and when I was returning after giving water, Prakash caught hold of me from my arm and made me to sit in his lap and both of them pressed my breast and back. After rescuing myself from them I tried to tell all this to my father but he was not in his senses because he had consumed excessively drink. Thereafter I went inside my room and when my brother Gurpreet returned home I told him all this and both of these persons namely Monu and Prakash left our house in a hurry. Today, I have come with my brother Gurpreet Singh to the D.C. office, CWC, Room No. 238, to file a complaint. I have met you. Please take appropriate legal action. ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the prosecutrix due to the reason that when the prosecutrix along with her brother had left their house, the petitioner and co-accused Monu had helped the father of the prosecutrix, with whom the children do not share a cordial relation, to locate them. The allegations levelled in the present FIR are vague and omnibus. Furthermore, the co-accused against whom similar allegations were levelled has already been granted regular bail by this Court vide order dated 30.10.2025 passed in CRM-M-48718-2025. The petitioner has undergone an actual custody of 03 months and 19 days, and there is no other case registered 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 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 19 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 16.10.2025 and out of total 13 prosecution witnesses, none has been examined till date. 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 24.07.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress, as the charges were framed on 16.10.2025 and out of total 13 prosecution witnesses, none has been examined till date. Co-accused has already been granted regular bail by this Court vide order dated 30.10.2025 passed in CRM-M-48718-2025. 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



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

13.11.2025

Kavita

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No