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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-63173-2025(O&M)
Date of decision: 14.11.2025

MANDEEP KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Ankush Rampal, Advocate
for the petitioner(s).

Ms. Aakanksha Gupta, AAG Punjab.

KIRTI SINGH. J.(Oral)

The jurisdiction of this Court has been invoked under Section 483 BNSS Act for grant of regular bail to the petitioner in case FIR No.22 dated 22.04.2025, under Sections 137(2), 96, 61(2) of BNS 2023 (Section 64 of BNS, 2023 & Sections 3 and 4 of POCSO Act, 2012 were added later on vide DDR No.15 dated 15.07.2025 and Section 87 of BNS, 2023 was also added later on vide GD No.22 dated 05.09.2025 and Section 96 of BNS, 2023 was deleted), registered at Police Station Lakhewali, District Sri Muktsar Sahib.

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

“Statement of complainant Tarsem Singh son of Nachhatar Singh son of Jagnaam Singh resident of Village Chibbarawali, aged about 35 years, Mobile No.xxx, stated as under: "I am the resident of the above-stated address and I work as a labourer. My marriage was solemnized about 16 years ago with xxx daughter of Gurcharan Singh resident of Wara Daraka, according to customary rites. From this wedlock, 05 children were born, among whom the eldest is daughter xxx aged about 14 years 08 months, then younger daughter xxx aged about 13 years, then younger daughter xxx aged about 12 years, then younger daughter xxx aged about



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08 years, and the youngest son is xxx aged about 05 years. All my children study in the Government School of our village. My eldest daughter xxx was studying in 10th class in Government High School, Chibbarawali, our village, and her date of birth is 31.08.2010. On 17.04.2025, my eldest daughter xxx, as per routine, went from home to school at about 07:45 AM, but after the school was over, she did not return home. I kept on searching and inquiring along with my relatives and near ones. Now I am fully convinced that my daughter xxx has been enticed away and allured into running away by Jashandeep Singh son of Nachhatar Singh alias Chhatti resident of Village Chibbarawali, on the pretext of marriage. I have also come to know that in abducting my daughter xxx along with the above said boy Jashandeep Singh, there is complete involvement of Nikka Singh son of Raja Singh resident of Chibbarawali, who has taken away both my daughter xxx and the above said boy Jashandeep Singh on his motorcycle and is with them. Legal action be taken against above said Jashandeep Singh and Nikka Singh, and my daughter xxx be recovered. I am producing before you the original Birth Certificate of my daughter in relation to her date of birth. Today, I along with Gurdev Singh Panch son of Daan Singh resident of Village Chibbarawali, have come present at the Police Station to give information regarding the aforesaid matter. Your goodself has recorded my statement, read over and explained the same to me, which I found correct. I am the complainant. Legal action be taken.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case being the sister of the main accused against whom allegations have been levelled that he had enticed away the daughter of the complainant on the pretext of marriage. The petitioner was not even named in the FIR, and even the allegations levelled against her without any substance. Furthermore, similarly placed co-accused have already been granted anticipatory bail by this Court vide order dated 13.10.2025 passed in CRM-M-53367-2025. The petitioner, aged 28 years, has undergone an actual custody of 04 months and 03 days. She has clean antecedents and there is no other case registered against her.



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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 are taken on record. As per custody certificate, the petitioner has undergone an actual custody of 04 months and 03 days and there is no other case registered against the present petitioner. She on instructions from ASI Harnek Singh, submits that the charges were framed on 16.10.2025 and out of a total of 31 prosecution witnesses, none has been examined till date. She, however, submits that in view of the serious allegations against the petitioner, petitioner 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 10.07.2025. 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 charges were framed on 16.10.2025 and out of a total of 31 prosecution witnesses, none has been examined till date. The culpability, if any, would be determined at the time of 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



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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 her 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 application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

14.11.2025
Kavita

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