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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 08.12.2025

BALJIT SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vipul Aggarwal, Advocate and
Mr. Angrej Kumar, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

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.174, dated 06.09.2024, registered under Sections 137 and 96 of BNS, 2023 (Section 61(2) of BNS added later on) at Police Station Ajnala, District Amritsar Rural.

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

“Statement of Kuldeep Singh son of Jagir Singh resident of village Majhimian Police Station Ajnala District Amritsar aged about 42 years mobile No.81948-65082 had stated that I am a resident of the aforesaid address and do the agriculture work and I have 6 children. There are five girls, the eldest is xx, younger to her is xx whose age is about 16 years, younger to her is xx, younger to her is xx, younger to her is xx and the youngest boy is Parambir Singh. My daughter xxx who studies in class 11 std. in Government Girls Senior Secondary School Ajnala. On dated 30-08-2024 in the morning time at around 07:30 AM, like every day, my



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daughter xx had gone to Ajnala to study at school, but she did not return home after the time off, for which we searched a lot here and there at our own level, but we did not find any information about her. Till now we had searched for our daughter xx from our relatives but we did not found her. Today I had come to know that my daughter xxx was taken away by Major Singh son of Anoop Singh, his mother Bholi wife Anoop Singh, maternal aunt's son Judge Singh son of Sukha Singh residents of Bhindi Saidan and his brother-in-law (Jija) Baljit Singh son of Tana Singh resident of Sarangdev in collusion with them had lured her on the pretext of marriage because Major Singh used to frequently visit our village at her maternal aunt (mami) xxx wife Dalbir Singh resident of Majhimian, who had a bad eye on my daughter xxx and the said Major Singh's mother xxx, maternal aunt's son Judge and brother-in-law (Jija) Baljit Singh wanted to marry my daughterxxx. To which I and my family did not agree to. I am the applicant. Legal action be taken against Major Singh son of Anoop Singh, xxx wife Anoop Singh, Judge Singh son of Sukha Singh resident of Bhindi Saidan and Baljit Singh son of Tana Singh resident of Sarangdev. Sd/ ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR being the brother-in-law (Jija) of the main accused, against whom the allegations of kidnapping of daughter of the complainant have been levelled. It is submitted that the daughter of the complainant and the main accused were in fact well known to each other, and had, after eloping, sought protection of their life and liberty by way of CRWP-8614-2024, which was decided on 06.09.2024. Learned counsel contends that the petitioner, who has a separate residence from the main accused, has no role to play in the alleged occurrence. The petitioner has already undergone a custody period of 04 months and 24 days as an undertrial. 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 the status report and the custody certificate in Court today. As per



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custody certificate, the petitioner has undergone an actual custody of 04 months and 24 days. There is no other case registered against him. Investigation is complete. The charges were framed on 02.12.2025 and out of a total of 08 prosecution witnesses, none have been examined. 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 02.12.2025 and out of total 08 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 04 months and 24 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:-



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- (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 miscellaneous application(s), if any, also stands disposed of.

08.12.2025
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(KIRTI SINGH)
JUDGE

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