



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

214

CRM-M-2468-2025(O&M)
Decided on : 22.04.2025

MANGAT SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Harish Goyal, Advocate for
Mr. Sunil Kumar Garg, Advocate
for the petitioner(s).

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.91 dated 17.07.2024 under Section 376, 376(2)(n), 342, 506 and 34 of IPC registered at Police Station Meharban, District Ludhiana.

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

“I would like to state that I am resident of above noted address and after completing the study upto Matric Class, I use to live at house, my date of birth is 21.04.2006 and since I am major in age, therefore I am able to decide good or bad about my life. Mangat Singh son of Diya Singh resident of village Raur, is a resident of our village. Some time ago, I went to the fields of Mangat Singh to take fodder, then Mangat Singh called me at his house under the pretext of some domestic works and when I went to his house then he was alone in the house. He did forcible acts with me and also made obscene video of mine and threatened me that if you inform about it to anybody, then I will make your video viral and will kill, both of your brothers. Thereafter Mangat Singh met me in the village Raur on 21.06.2024 and told me that tomorrow i.e. on 22.06.2024 at 10.30 PM, you come out from the house outside the village without informing about it to anybody and if you inform anybody about it then I will make your video viral and will manage to kill your brothers, due to which, under fear, on 22.06.2024 at 10.30 PM, without informing anybody in my family, came out from the house and came outside the village through passage/Paha, from where Mangat Singh took me to



Gill canal bridge, and from their Deepo daughter of Nirmal Singh who is cousin (Taya's daughter) of Mangat Singh took us to her house in village Sareenh, where Mangat Singh dropped me and came back from there. I was forcibly kept there upto 26.06.2024 and in the meantime, on 23.06.2024 and 24.06.2024, Mangat Singh came there during day hours and done forcible acts with me on both days. On 26.06.2024 at Noon time, the police took me from there and brought me at Police Post Mattewara, where under the pressure and fear of Mangat Singh, I got recorded my statement in the presence of my family members that I had gone alone from my house as per my own wishes and nobody had taken me. On my statement, my family members did not take me back to the house on that day, due to which the police dropped me at Bala Ji Ashram Pakhowal road Ludhiana and next day i.e. 27.06.2024 at Noon time, my mother Balwinder Kaur and my Taya Gurcharan Singh along with other relatives met me there and I came back to my house with them. Earlier due to fear, I did not disclose about it but now I have disclosed the truth to my mother Balwinder Kaur and to my family. Now, I along with my mother Balwinder Kaur and Taya Gurcharan Singh was coming to the Police Station to give complaint in this regard, then you met us and I have got typed my above said statement in the presence of my mother, heard and same is correct. Legal action be taken in this regard as per law.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR registered on 17.07.2024, on the statement of the prosecutrix, while the alleged occurrence is stated to have taken place prior to 26.06.2024. Infact, when the prosecutrix was traced and recovered by the investigating agency on 26.04.2024, even then she did not level any allegations against the petitioner. Further it is submitted that the material witnesses, i.e. the complainant and victim have turned hostile during the course of trial. He further submits that the petitioner has undergone an actual custody of 08 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 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 08 months and 19 days and there is no other case registered against him. He on



instructions submits that charges were framed on 21.02.2025 and out of a total of 18 prosecution witnesses, only two have been examined till date. However, it is an undisputed fact that the complainant and victim have turned hostile.

5. Heard the rival submissions made by learned counsel for the parties.

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 02.08.2024. The material witnesses, i.e. the complainant and victim have turned hostile. 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 out of 19 prosecution witnesses, only two have been examined so far. 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 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.

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

(KIRTI SINGH)
JUDGE

22.04.2025
Kavita Nain

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