



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(204)

CRM-M-68955-2025 (O&M)

Date of Decision: 24.12.2025

ANKUSH

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vinay Puri, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, 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.97 dated 26.06.2025 under Sections 137(2) and 87 of BNS (Section 64 of BNS and Section 6 of POCSO Act added later on), registered at Police Station Bhargo Camp, District Police Commissionerate, Jalandhar.

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

“Statement of Booti Ram, son of Gian Chand, resident of House no. 1599, near Vishakrama Mandir, Bharti Nagar, Jalandhar, age 50 years, mobile number 98760-xxxx, stated that I am a resident of the above mentioned address and I do sports work in my house. I have a daughter named xxxx, whose date of birth is 25.11.2007, who is studying in class 12 at Girls' School, Bhargo Camp, Jalandhar, who left home on 20.06.2025 at around 4:00 PM saying that I have gone to the grocery store but did not return later, for which we searched on our own, and I came to know that my daughter xxxx, who is still a minor, has been lured away by Ankush, son of Dinesh Kumar, resident of Mohalla Islamabad, Gurdaspur City, on the pretext of getting her married, for which we have been searching on our own till date. But my daughter has not been found, I am a claimant.



Appropriate legal action should be taken against Ankush son of Dinesh Kumar against the above. The statement has been written and read correctly. LTI (Booti Ram son of Gian Chand above) Attested by Kuldeep Singh ASI, Bhargo Camp Commissionerate, Jalandhar Date 26-06-25..”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the father of the prosecutrix, alleging enticement of his minor daughter by the petitioner. It is the foremost submission that the FIR was registered after a delay of 6 days. Moreover, there is no evidence that points towards the complicity of the petitioner. In fact, the complainant, the prosecutrix and the cousin sister of the prosecutrix stand examined before the learned trial Court. All these three material witnesses did not support the case of the prosecution before the learned trial Court and were consequently declared hostile. In this regard, a copy of the deposition sheets of the witnesses have been annexed as Annexures P-2 to P-4 respectively. He further submits that the petitioner, about 20 years of age, has undergone an actual custody of 5 months and 23 days. 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. She states that the petitioner was actively involved in the commission of the offence. She 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 5 months and 23 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 05.09.2025 and out of a total of 19 prosecution witnesses, 5 have been examined and 5 have been given up. She 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 05.09.2025 and out of total 19 prosecution witnesses, only five have been examined till date, including the complainant, the prosecutrix and the cousin sister of the prosecutrix, all three of whom have turned hostile. Five witnesses have been given up. The petitioner has undergone actual custody of 5 months and 23 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:-

- (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

December 24, 2025
Ithlesh

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