



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

(216)

CRM-M-70867-2025

Date of Decision: 23.12.2025

Ashish

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gursharan Singh, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Kanwar Arun Singh, Advocate
for the prosecutrix.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 102 dated 19.9.2025 under Sections 137(2) and 87 of BNS, registered at Police Station Ghanie Ke Banger, District Gurdaspur.

2. The allegation against the petitioner is that he enticed away the prosecutrix, daughter of the complainant, on the false pretext of marriage.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is a 19 years old boy, has been falsely implicated in this case. There is an unexplained delay of 20 days in lodging the present FIR. Furthermore, there is no medical evidence to substantiate the allegations levelled against the petitioner. Learned counsel for the petitioner has produced photocopy of an affidavit dated 22.12.2025 duly sworn by the



petitioner. However, her parents wanted to marry her with some other person, therefore, she left her parental home on her own will. He further submits that the petitioner has undergone an actual custody of 02 months and 01 day and there is no other criminal 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 02 months and 01 day. The learned State counsel, on instructions from ASI Charanjit Singh, submits that in the present case, after completion of investigation, challan was presented on 16.12.2025 and the charges are yet to be framed. 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bars for the last 02 months and 01 day. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court, and the charges are not framed yet. 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



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 23, 2025
Gurpreet Singh

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