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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5403-2026 (O&M)

Date of Decision: 05.02.2026

DILBAGH SINGH ALIAS BAGHI

... PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Hardial Singh Batth, 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. 93 dated 30.08.2025 under Sections 64(1) of BNSS and Section 4 of POCSO Act, registered at Police Station Ghanaur, District Patiala.

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

“Statement xxx daughter of Late Vinod Kumar Resident of Ward No. 10 Dheha Basti, Ghanaur Police Station, Ghanaur District, Patiala Age about 17 years Mobile number xxxx7942 stated that I am a resident of the above address and do domestic work. My parents have died before my knowledge. We are the only three siblings of my parents and the eldest is my brother Rohan, age about 19 years who works hard. I am younger than him and my



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younger sister xx, age about 15 years. I have studied up to ninth class at Government Elementary School, Ghanaur. I have known Bagi Resident Ghanauri Khera for about two and a half years who was working in a retail shop in our neighborhood. Yesterday on 29.8.2025 at around 04.00 pm, I got the call from Bagi's grandfather's mobile phone no. xxxx5203 and he asked me to come outside the road near the house who came on a motorcycle. Then I went to Rajpura side with my friend Bagi of my own free will. My friend Bagi went to Rajpura and took a room in a hotel where my friend Bagi had sexual relations with me of my own free will, but I have no information about that hotel and the place. Before this, I have rented a room in a hotel with my friend Bagi of my own free will once or twice. I have been in a relationship with my friend Bagi for the past one and a half years. I went with my friend Bagi of my own free will with whom I had sexual relations of my own free will. I have written my statement to you in the presence of my grandmother xxx Kaur. I have read it, listened to it and understood it is correct. True. ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, all of 21 years of age, has been falsely implicated in this case. A bare perusal of the FIR reveals that it was infact the prosecutrix, aged about 17 years at the time of the alleged occurrence, who had reached out to the petitioner for meeting. It is also contended that the prosecutrix has made a categoric statement under Section 183 BNSS to the effect that she was infact well known to the petitioner, and on the date of the alleged occurrence, it was herself who had called the petitioner to take her away, and thereafter accompanied him. At this stage, there is no evidence on record that points

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towards the complicity of the petitioner, who is also the sole caretaker of his handicapped parents. It is submitted that the petitioner has already undergone an actual custody of 05 months. 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 05 months. Investigation is complete. The final report was presented before the concerned Court. The charges were framed on 04.12.2025 and out of a total of 14 prosecution witnesses, none has been examined. 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 04.12.2025 and out of total 14 prosecution witnesses, none have been examined till date. The petitioner has undergone actual custody of 05 months, 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



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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.

05.02.2026

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(KIRTI SINGH)
JUDGE

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