



CRM-M-10549 of 2026 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-10549 of 2026  
Date of Decision: 13.03.2026

Mohammad Rashid @ Sethi

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Mohd. Jameel, Advocate  
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.121 dated 30.05.2025 registered under Section 6 of POCSO Act, at Police Station City-II, District Malerkotla.
2. Brief facts as per the prosecution case are that the petitioner has committed unnatural sexual assault with victim (son of the complainant). Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further argued that the petitioner was roped in the present case without any basis. He further submitted that material witnesses have not supported the case of the prosecution and have



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been declared hostile. To lend force to his contention, he has drawn the attention of this Court to the statement of the father of the victim (Annexure P-2), statement of victim (Annexure P-3) made before the trial Court wherein they had not supported the case of the prosecution and have been turned hostile. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 30.05.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 15 prosecution witnesses and out of which, only 03 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4.            On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5.            Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 09 months; material witnesses have not supported the case of the prosecution and turned hostile; investigation is complete; challan stands presented; charges framed; out of 15 witnesses, only 03 have been examined till date; the complicity of the petitioner is a matter of trial; which



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is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

**13.03.2026**  
*D.Bansal*

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

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