



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-12018-2026

CHANDAN

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

Reserved on: 11.03.2026

Pronounced on : 17.03.2026

Uploaded on : 17.03.2026

*Whether full judgment is pronounced
or
-operative part thereof: Full*

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Ranjit S. Bajaj, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case FIR No.46 dated 20.04.2024 under Sections 376-D, 120-B and 506 of IPC (new Section 70(1), 61(2), 351(2) & (3) of BNS) and Section 6 and 17 of POCSO Act, registered at Police Station City Nakodar, District Jalandhar Rural.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of unknown Girl (H) Daughter of Lakhwant Singh Resident of Village Bhagwanpur Police Station Sadar Malot District Sri Muksar Sahib Age 16 years Phone No: 88475-21483 stated that I am a resident of aforesaid address and I am a house hold lady. We are 4 sisters and



brother and out of which we are 3 sisters and one brother. I am the eldest one. My date of birth is 10.05.2008 and I have studied up to 10th class. My father is doing labour work and my mother Rajveer Kaur is a house hold lady. On 19.04.2024 to Dera Baba Muradshah Ji Nakodar at about 11:00 AM by telling my mother Rajveer Kaur to pay obeisance in by Punjab Roadway bus from Malaut to Nakodar and at 02:30 PM I reached Dera Baba Muradshah Ji at Nakodar. After paying obeisance at Dera Baba Muradshah Ji Nakodar, she came out of the dera at 07:30 in the evening and much time has passed, I went to get a room on rent for staying at night at Babu Lal Badshah Ji Nakodar and when I reached Babu Lal Badshah Ji and enquired about the room then Managers of the dera told me to wait and said that we will told you about the room and after some time when I was present at jora ghar, then a boy who was telling his name as Karan son Jasvir Raj resident of Sunder Nagar Nakodar came to me and said that you will not get a room here and asked me to accompany him and he will get a room for me. I came into his talks and then another boy came alongwith Karan, whose name is Pawan Kumar, son of Ram Dutta, resident of Sunder Nagar, Nakodar. Then he took me on their motorcycle color black bearing number PB-08-EV-3846 on the pretext of showing me a room, took me to a vacant place near Jalandhar Road Sianniwal Gate, which I can recognize. Where Karan and Pawan tried to forcibly committed rape with me and on my refusal raising rroula, they dropped me back near Dr. Ambedkar Chowk Nakodar Sabji Mandi and then I again went to the dera where a person came on same motorcycle color black bearing number PB-08-EV-3846 whose name later one came to be Mukesh Kumar Yadav son of Vinod Kumar Yadav resident of Sunder Nagar Nakodar. Immediately on coming he told me to accompany him and said that he will get a room for me. On which I alongwith him on the motor cycle and said Mukesh Kumar Yadav took me with him on a motorcycle at the side of a river at a distance of about 4/5 km away from Nakodar city, regarding which I later came to know that this river passes from Shankar village. Immediately on coming there, Mukesh Kumar Yadav started giving slaps to me and tried to strangle my throat and forcibly committed rape with me under the fear of killing me. I raised rroula in loud voice but on account of vacant place, there was nobody present. This incident is of night time at about 08:30/09:00P.M. then he scared me and called 3 other persons whose names I came to know are Navneet Singh son of Basambar Singh resident of Back Side Khader Bhandar Azad Nagar Nakodar City Nakodar, Chandan son of Heera Lal resident of Azad Nagar Nakodar, Vikral Raj son of Suresh Kumar resident of Azad Nagar Nakodar The said three people came there on a motorcycle number PB-08-EF-9221 Make Hero Deluxe. The aforesaid three persons came on a motorcycle who extended threats and I became frightened. The aforesaid three persons turn by turn committed rape with me and then the aforesaid three persons took me to Nurmahal bypass at 10:00'o clock in the night on their motorcycle and they put me under fear and by extending threats of life again committed rape with me in a vacant plot near a school. Then Mukesh Kumar Yadav came back and he who is came there and all four of them again committed rape with me by putting me under fear of death is near State



Public School Nakodar at 11:00 pm and Vikral and Navneet, Mukesh and Chandan once again raped me under fear of death. Then Mukesh Kumar Yadav called other boys whose names were Vicky Kumar son of Surinder Singh resident of Street No. 03 Mohalla Rahmanpura Nakodar and the other person namely Ajay Kumar son of Raj Kumar resident of Vijay Nagar Colony Mohalla Ravidaspura Backside Guru Nanak Dev University Nakodar who came there on seeing my condition they got frightened and did not do anything wrong with me. I requested them for extending help to me. But they went back without extending any helping to me. Then Mukesh Kumar Yadav took me on his motorcycle and took me in the house of Vicky Kumar at Mohalla Rahmanpura Nakodar. Where the said Vicky Kumar threatened me again and forcibly committed rape with me there. At around 01:30 AM, the said Vicky Kumar turned me out of his house in the street and I on account of fear and not aware about the area again went to dera Baba L Badshah ji and kept on sitting there by concealing myself. After sun rise and after inquiring from the passer bys I asked about the police station and was coming to the police station. I told the whole incident to my mother Rajvir Kaur on phone. That you have met me on the way. Kindly take strict legal action against the aforesaid persons who in connivance with each other have committed rape with me. Sd/ Girl (H). Attested Arshpreet Kaur, Insp. P.S. City Nakodar District Jalandhar (Rural) dated 20.04.2024.”

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 prosecutrix, wherein she had alleged that the petitioner and other co-accused had developed forceful physical relations with her. It is submitted that though the petitioner has been named in the FIR, but the prosecutrix, in her cross-examination, has stated that the petitioner has not committed any sexual assault upon her. She even went on to state therein that the petitioner was named in the present FIR by her only under pressure of the agency concerned. The material witnesses have been examined before the learned trial Court and there is no other case registered against the petitioner. He further submits that the petitioner, aged about 25 years, has already undergone an actual custody of 1 year, 10 months and 11 days and co-accused namely Ajay Kumar has already been granted the concession of



regular bail by the Co-ordinate Bench vide order dated 19.02.2026 in CRM-M-22073-2025.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. 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 1 year, 10 months and 11 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 30.07.2024 and out of a total of 32 prosecution witnesses, 11 have been examined. He 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 30.07.2024 and out of total 32 prosecution witnesses, only 11 have been examined till date. The petitioner has undergone actual custody of 1 year, 10 months and 11 days, and there is no other criminal case registered against him. The material witnesses stand examined before the learned trial Court. 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. In view of the role attributed to the petitioner, and considering the aforesaid facts, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would



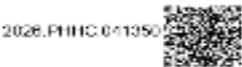
be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

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

17.03.2026
pry

(NEERJA K. KALSON)
JUDGE

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