



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

215

CRM-M-14075-2026

Date of Decision: 30.03.2026

HUSANPREET SINGH

...PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

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

Present:- Ms. Angel Walia, 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 Bhartiya Nagarik Suraksha Sanita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 67 dated 14.05.2025, under Sections 64, 61(2), 96, 137(2) BNS (erstwhile Section 376/120-B, 366-A, 363 IPC) and Section 6/17 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Bhikhiwind, Tarn Taran, Punjab (Annexure P-1).

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 xxxxxx d/o xxxxxx r/o xxxx PS xxxxxx aged about xxx years xxxx months mobile xxxxxx stated that I am a resident of the above address and have passed the xxx class. My date of birth is xxxx. I learn embroidery/stitching work in the village itself. My neighbor Karandeep Singh son of Joga Singh, resident of Kalsian Kalan, has been following me for about 6 months and used to say to me to talk to him. He used to say to me to marry him, otherwise, he would kidnap



me. Despite my refusal, he continued to follow me. On date 10-05-2025, at about 9/10 PM, we, the whole family, and my siblings went to sleep on one side of a small wall in the courtyard, and I went to sleep on the other side of the wall near my grandfather xxxxxxxx in the house courtyard. When my eyes opened, I saw that Karandeep Singh son of Joga Singh, Dharampreet Singh son of Pargat Singh, and Husanpreet Singh son of Pargat Singh, residents of Kalsian Kalan, were standing there. When they were about to kidnap me and I was about to scream, then among them. Karandeep Singh son of Joga Singh made me smell some intoxicating thing and with which I fell unconscious. These three people picked me up, while unconscious, and reached the house of Karandeep Singh's paternal aunt in Mehandipur, where, leaving me in the house, Dharampreet Singh son of Pargat Singh and Husanpreet Singh son of Pargat Singh, residents of Kalsian Kalan, went back. And Karandeep Singh, with me in a semi-conscious state, committed rape all night. And the next day when I regained consciousness, I dodged him from Mehandipur village at about 6 PM and fled and came to my home in Kalsian Kalan. And I told the whole incident to my parents and we, due to fear of honor, did not tell anyone. I and my family, being in shock, could not give information.”

3. Learned counsel for the petitioner submits that the petitioner has been in custody since 27.06.2025 and has undergone a period of nine months and one day. It is further submitted that the material witnesses, including the prosecutrix and her parents, have already been examined by the learned trial Court and have not supported the prosecution case, having turned hostile. Learned counsel further contends that the petitioner has been falsely implicated in the present case. It is also argued that there is an unexplained and inordinate delay of more than four days in the registration of the FIR, inasmuch as the alleged occurrence is dated 10.05.2025, whereas the FIR came to be registered only on 14.05.2025, without any plausible explanation for such delay. It is further submitted that the prosecutrix, in her deposition before the learned trial



Court, categorically stated that she was neither kidnapped nor subjected to any wrongful act. He further states that as far as the alleged role of the petitioner is concerned, his role pertains to only helping the main accused and is not the main accused himself.

4. Learned counsel further submits that the investigation stands completed and the challan has already been presented. It is argued that the trial is likely to take a considerable period of time and that nothing remains to be recovered from the petitioner; therefore, his further detention would serve no useful purpose.

5. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail. Learned State counsel further seeks to place on record custody certificate dated 29.03.2026, which is taken on record.

6. I have heard the counsel for the parties and have gone through the available record of the case.

7. The petitioner was arrested on 28.06.2025, whereinafter investigation was carried out and the Final Report under Section 193 of the BNSS against the accused has been presented before the learned trial Court on 04.07.2025. Further, the charges have also been framed on 28.07.2025. The case has further been fixed for prosecution evidence, and the conclusion of the trial is likely to take a considerable period of time. It is indubitable that the petitioner has already suffered incarceration for about 09 months, with the trial nowhere to conclude in the near future. In this regard, it will be apposite to place reliance upon the judgment of the Hon'ble Supreme Court titled as



“Manish Sisodia versus Directorate of Enforcement” 2024 INSC 595;

relevant whereof reads as under:-

“50. As observed by this Court, the right to speedy trial and the right to liberty are sacrosanct rights. On denial of these rights, the trial court as well as the High Court ought to have given due weightage to this factor.

51. Recently, this Court had an occasion to consider an application for bail in the case of Javed Gulam Nabi Shaikh v. State of Maharashtra and Another wherein the accused was prosecuted under the provisions of the Unlawful Activities (Prevention) Act, 1967. This Court surveyed the entire law right from the judgment of this Court in the cases of Gudikanti Narasimhulu and Others v. Public Prosecutor, High Court of Andhra Pradesh⁷, Shri Gurbaksh Singh Sibbia and Others v. State of Punjab, Hussainara Khatoon and Others (I) v. Home Secretary, State of Bihar Union of India v. K.A. Najeeb and Satender Kumar Antil v. Central Bureau of Investigation and Another. The Court observed thus:

"19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

52. The Court also reproduced the observations made in Gudikanti Narasimhulu (supra), which read thus:

"10. In the aforesaid context, we may remind the trial courts and the High Courts of what came to be observed by this Court in Gudikanti Narasimhulu v. Public Prosecutor, High Court reported in (1978) 1 SCC 240. We quote:

"What is often forgotten, and therefore warrants reminder, is the object to keep a person in judicial custody pending trial or disposal of an appeal. Lord Russel, C.J., said [R v. Rose, (1898) 18 Cox]:

"I observe that in this case bail was refused for the prisoner. It cannot be too strongly impressed on the, magistracy of the country that bail is not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial."

53. The Court further observed that, over a period of time, the trial courts and the High Courts have forgotten a very wellsettled principle of law that bail is not to be withheld as a punishment. From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts



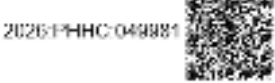
and the High Courts should recognize the principle that "bail is rule and jail is exception."

The rival contention of learned counsel for the parties; as to whether there is any tangible prosecution evidence available against the petitioner & as to whether the petitioner has been falsely implicated in the FIR in question; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 29.03.2026 filed by learned State counsel, the petitioner, who is aged 20 years, has already suffered incarceration for about 09 months and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.



- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.

(NEERJA K. KALSON)
JUDGE

30.03.2026
pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No