



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

212

CRM-M-14698-2026

Date of Decision: 23.03.2026

TAJINDER SINGH @ JATINDER SINGH @ JYOTI

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

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

Present:- Mr. Munish K. Dadwal, Advocate and
Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Uday Singh Cheema, Advocate
for respondent Nos. 2 and 3.

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. 0151 dated 03.07.2019, under Section 363, 366-A, 506, 120-B of IPC, 1860 (now Sections 137(2), 96, 351 and 61(2) of BNS) and Section 376(2) (now Sections 64/65 BNS 2023) and Section 4 of POCSO Act, 2012 (added later on), registered at Police Station Tandan, District Hoshiarpur (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 xxxx son of xxxx resident of village xxxxx police station
Tanda Distt Hosiarpur aged about 44 years stated that I am resident of



aforementioned address. That ethnically I belong to village xxxx, xxxxxx and we came to village Tahli 28/30 years ago and started residing here and here only I have blessed with 3 daughters and 2 sons. My two elder daughters are married and third daughter xxxx whose age is about 16 years And her D.O.B is 06.02.2003 who is after passing 10th standard, after 2017 was doing household work and sewing work. I and my family members do labour work to earn our livelihood and we have permanently settled in our "pakka house" in village Tahli. My daughter was having her own mobile phone which she used in her sewing work. About one month ago my elder daughter xxxxxx with her children came from her in-laws house to our house. That my daughter xxxxxx received messages on her mobile phone from someone and my elder daughter xxxxxx asked xxxxxx about these messages. She replied to her that these messages are of Tejender Singh @ Joti S/O Nanak Singh R/O village Tahli is having friendship from last 5-6 months and he frequently messages her. My daughter xxxxxx had a conversation with Tejender Singh @ Joti and made him understand that her younger sister xxxxxx is too young and not to continue any friendship with her and nor send her message to which Tejender Singh @ Joti told to my elder daughter daughter xxxxxx that in future he would neither make any contact with xxxxxx nor messages will be sent to her. Thereafter on 26.06.2019 when me and my family returned from labour work at about 10:00 hours we saw that our house was locked and our daughter xxxxxx was also not present there. We searched around our village but we could neither find her nor any clue about her. All the day was spent in searching her but we could not find her. We searched her for whole the day but we could not find her on that night from our known of village Baholi from whom family members we have taken the place of making our house from their relative of Italy Gurnam Singh called at our house that your daughter xxxxxx went to our daughter house at village Baholi who after spending some time and calling to someone on phone after that she went away from the house from village Baholi and when we tried to know about the number from their daughter that mobile no xxxxxxxx this mobile no belongs to our village boy named Tajinder Singh@ Joti. When we came to know about this fact our whole family went to Tajinder Singh house but they did not tell us.”



3. Learned counsel for the petitioner submits that the petitioner has been in custody since 09.02.2026 i.e. for a period 01 month and 11 days. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the aforementioned FIR and has been in custody since 09.02.2026. It is further contended that the statement of the prosecutrix was recorded under Section 164 Cr.P.C., wherein she did not utter even a single word against the petitioner, thereby casting serious doubt on the allegations levelled in the present case. Learned counsel further submits that the complainant, i.e., the father of the prosecutrix/respondent No. 2, has no objection to the release of the petitioner and does not wish to pursue the aforementioned FIR any further. It is also submitted that the petitioner had solemnized marriage with the prosecutrix on 27.07.2020, and pursuant thereto, both have been residing together as husband and wife and are leading a peaceful matrimonial life, and out of the said wedlock, they have been blessed with a male child.

4. It is further contended by the learned counsel for the petitioner that consequent to the solemnization of marriage, the petitioner and the prosecutrix started residing together in Village Tahli, Tehsil Tanda, District Hoshiarpur. It is submitted that being unaware of the legal proceedings, the petitioner could not appear before the learned trial Court and was consequently declared a proclaimed offender vide order dated 17.03.2021. However, it is emphasized that the petitioner has all along been residing with the prosecutrix in the said village and has neither absconded from the process of law nor concealed himself from the authorities at any point in time.



5. Lastly, he submits that the petitioner undertakes to fully cooperate with the investigating agency and abide by any conditions imposed by this Hon'ble Court. There is, thus, no tangible or substantive prosecution evidence warranting the continued incarceration of the petitioner. In view of the above, learned counsel prayed for the grant of regular bail to the petitioner.

6. Learned counsel for the complainant/respondent No.2 appeared and submits that the complainant/respondent No.2, being the father of the victim, has no objection to the release of the petitioner and does not wish to pursue the present FIR any further.

7. 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 seeks to place on record custody certificate dated 20.03.2026 in Court, which is taken on record.

8. I have heard counsel for the parties and have gone through the available records of the case.

9. The petitioner was arrested on 09.02.2026 whereinafter investigation was carried out. The petitioner and prosecutrix has solemnized their marriage on 27.07.2020. Further the respondent No.2/complainant has no objection to the release of the petitioner and does not intend to pursue the present FIR. However, without commenting on the merits of the case, it is indubitable that the petitioner has already suffered incarceration for about 01 month and 11 days with the trial no way to conclude in 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."

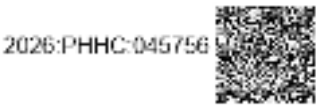


The rival contention of learned counsel for the parties; as to whether there is any tangible prosecution evidence available against the petitioner & as to whether the petitioner has been falsely implicated in the FIR in question; shall be gone into during the course of trial. This Court does not deem 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 20.03.2026 filed by learned State counsel, the petitioner, who is aged 36 years, has already suffered incarceration for about 01 month and 11 days & 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.

10. 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

- 11. 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.
- 12. Ordered accordingly.
- 13. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 14. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.

(NEERJA K. KALSON)
JUDGE

23.03.2026
pry

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