



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-17260-2026 (O&M)
Date of Decision: 05.05.2026

Prempal

...Petitioner

Versus

State of Punjab

...Respondents

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

Present : Mr. Mandeep Singla, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Ms. Madhu Bala, Advocate for
Mr. Sukhmeet Singh, Advocate
for the complainant.

NEERJA K. KALSON, J. (Oral)

1. The learned counsel for the petitioner has filed an instant petition under Section 483 of the BNS, 2023, for grant of regular bail to the petitioner in case arising out of FIR No. 58 dated 23.02.2026, (Annexure P-1) under Sections 137(2) and 87 of the BNS, 2023, registered at Police Station Balongi, District SAS Nagar (Mohali).

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which is stated to be founded merely on circumstantial evidence, with no direct material connecting him to the alleged offence. It is contended that the petitioner was not named in the FIR and has been implicated with an ulterior motive, as the prosecutrix was in a consensual relationship with the co-accused and had allegedly left her parental home voluntarily. Reliance is placed upon voice recordings and



WhatsApp chats annexed with the petition, along with the assertion regarding her age, to support the said plea. It is further contended that the petitioner was not present at the place of occurrence on the date in question, having been stated to be attending a marriage ceremony in Uttar Pradesh.

3. It is further submitted that the petitioner has been in judicial custody since 26.02.2026 and no recovery is required to be effected from him. It is, therefore, argued that continued incarceration of the petitioner serves no useful purpose.

4. The complainant has appeared before this Court and has submitted that a compromise has been effected between the parties and that he has no objection to the grant of bail to the present petitioner.

5. Learned counsel for the State opposes the grant of concession of bail to the petitioner and submits that the allegations levelled in the present case are serious in nature and, therefore, the petitioner does not deserve the concession of bail at this stage.

6. I have heard the learned counsel for the parties and have perused the record.

7. This Court has also gone through the observations recorded by Additional Sessions Judge-2, Mohali, SAS Nagar while declining the concession of bail to the petitioner. There can be no dispute with the proposition noticed therein that the prosecutrix was a minor on the date of the alleged occurrence and, therefore, the question of consent would essentially be a matter to be examined during trial in the light of the statutory provisions governing the field. At the same time, while considering



a petition for regular bail, this Court is not expected to undertake a detailed appreciation of evidence or record findings which may have a bearing upon the merits of the case at the stage of trial.

8. The record reveals that the petitioner was not named in the FIR and his involvement appears to have surfaced during the course of investigation. The petitioner is in judicial custody since 26.02.2026 and learned State counsel has not been able to point out that any further custodial interrogation of the petitioner is required or that any recovery remains to be effected from him. The investigation qua the present petitioner, therefore, appears to have substantially progressed.

9. This Court also cannot lose sight of the fact that the complainant has appeared before this Court and has stated that a compromise has been effected between the parties and that he has no objection in granting the concession of bail to the petitioner. Though the nature of allegations levelled in the FIR is undoubtedly serious and the same cannot be trivialized, yet the question as to the precise role and culpability of the petitioner would necessarily be tested during the course of trial on the basis of evidence led before the learned Trial Court.

10. The settled principle of law is that pre-trial incarceration cannot be permitted to partake the character of punishment, particularly where investigation substantially stands completed and the trial is likely to take some time before conclusion. The continued custody of the petitioner and in light of the facts and circumstances noticed hereinabove, continued incarceration of the petitioner, would not serve any useful purpose.



11. Accordingly, without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner deserves the concession of regular bail.
12. Accordingly, keeping in view the totality of the facts and circumstances of the case, the nature of the allegations, the material placed on record, the fact that the complainant has no objection to the grant of bail, the petitioner being in judicial custody since 26.02.2026, and no recovery being required to be effected from him, the present petition is allowed.
13. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned.
14. Pending application(s), if any, stands disposed of.

05.05.2026
Atul

(NEERJA K. KALSON)
JUDGE

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