



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

(203)**CRM-M-17918-2026****Date of Decision: 29.05.2026**

AKASHDEEP SINGH ALIAS AKASH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ajaypal Singh Sandhu, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS (439 of Cr.P.C.) has been invoked for grant of regular bail to the petitioner in case FIR No. 310 dated 20.08.2025 under Sections 137(2), 61(2), 63, 87, 305 of BNS & lateron added Section 64 of BNS (Sections 363, 366, 380, 376(1) of IPC) and lateron added Sections 3, 4 of POCSO Act, registered at Police Station City Ferozepur, District Ferozepur, Punjab (Annexure P-1).

2. The translated version of the FIR is reproduced below:-

“To, Station House Officer, Police Station City Ferozepur: Sir, I request that I am Sultan son of Chandu, resident of Sokar Nehr, Ferozepur city. Tonight on 15/16-08-2025 at around 02-00 am, a boy named Akash son of Pyara Lal, resident of Gol bagh, Ferozepur city, entered my house after enticing my daughter and broke the safe in the house and took about 09 lakh rupees and 04 gold rings, 04 chains, 01 gold necklace and ran away with my daughter. Please search for my daughter and get our belongings recovered. It will be very kind of you. Sd/-Sultan son of Chandu resident of Gol Bagh, Backside Sokar Canal Ferozepur Mob: 91499-24260.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, now aged about 20 years, has been falsely implicated in the present case on the basis of the statement made by the father of the prosecutrix, alleging that the petitioner had enticed away his daughter. It is submitted that



there is an unexplained delay of more than four days in the registration of the present FIR. Be that as it may, there is no direct or cogent evidence on record to substantiate the allegations leveled against the petitioner. Moreover, the prosecutrix in her statement recorded under Section 183 of the BNSS, did not support the prosecution version. Infact, initially there was a categoric refusal to get conducted the medical examination of the prosecutrix, which was ultimately done after a delay of 55 days. It is further submitted that co-accused, namely Navnirman Singh @ Mann, has already been granted the concession of regular bail by this Court vide order dated 03.02.2026 passed in CRM-M-4575-2026. Learned counsel further contends that the petitioner has already undergone an actual custody of 09 months and 08 days and there is no other case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 09 months and 08 days. The charges were initially framed on 22.12.2025 and thereafter re-framed on 19.03.2026 and out of a total of 07 cited prosecution witnesses, none been examined till date. She 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. Before proceeding further, a gainful reference can also be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:



"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

7. Reverting to the case in hand, it is borne out from the record that charges were initially framed on 22.12.2025 and thereafter re-framed on 19.03.2026. None out of 07 cited prosecution witnesses has been examined till date. The pace of the proceedings, thus, indicates that the conclusion is not imminent. The petitioner has already remained in actual custody for a period of 09 months and 08 days.

8. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

9. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the



case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22***.

10. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and 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.

11. 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.

12. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 29, 2026
Ritika

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