



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(211)

CRM-M-17799-2026 (O&M)
Date of Decision: 09.04.2026

AKASH SINGH @ AKASH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Raj Kumar Arya, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.40 dated 01.05.2025 under Sections 137(2) and 96 of BNS, registered at Police Station Dhariwal, District Gurdaspur.

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

“Statement of xxxxx wife of Rinku resident of Passnawal Police Station Dhariwal aged about 35 years mobile number 87338-xxxxx stated that I am a resident of the above address and do domestic work. My husband works as a laborer. I have a daughter namely xxxxx whose date of birth is 29-1-2011. She passed the 9th class in the village government middle school and did not get admission in the 10th class and stayed at home. Yesterday, on 30-04-2025, I and my daughter xxxxxx were at home. I had lunch and went to sleep. When I woke up at around 3:00 PM, my daughter xxxxxx was not at home. I searched for her a lot and later I called my husband Rinku and told him and my husband Rinku also came home and we also searched a lot to find out our daughter xxxxxx but we did not find her. We have been searching for her till now. But we could not find any clue about her and today we have come to know that my daughter xxxxxx was taken away by Akash son Kuldeep Singh @ Tota resident of Passnawal Police Station Dhariwal who is our neighbor. He has lured her



with the promise of marriage and taken her away with him. I am complainant, Legal action should be taken against above said Akash, statement heard, correct Sd/- xxx, Attested by Nirmal Singh ASI, Dhariwal Police Station, date 01-05-2025.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case on the statement of the mother of the prosecutrix, wherein it was alleged that the petitioner enticed her daughter away on the pretext of marriage. It is submitted that in fact the petitioner and the prosecutrix are known to each other. As per the statement of the prosecutrix recorded under Section 183 BNSS as well as her testimony recorded before the learned trial Court, she had left her home on her own free will and had thereafter accompanied the petitioner to pay her obeisance at Amritsar. No overt allegations were levelled against the petitioner therein. The material witness i.e. the prosecutrix and the complainant stand examined before the learned trial Court. He further submits that the petitioner, aged about 25 years, has already undergone an actual custody of 11 months and 5 days. 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 11 months and 5 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 10.10.2025 and out of a total of 10 prosecution witnesses, 3 have been examined. 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, a gainful reference can 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 came to be framed on 10.10.2025. Yet, only 3 out of 10 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 11 months and 5 days. It

is also not disputed that he has no criminal antecedents and is not involved



in any other case.

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, particularly when the material witnesses stand examined. 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.

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

(KIRTI SINGH)
JUDGE

April 09, 2026
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