



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

(209)**CRM-M-18505-2026****Date of Decision: 29.04.2026**

GURMINDER PAL @ PRINCE

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pranav Handa, Advocate
for the petitioner.

Mr. Ekom Pal Sagoo, AAG, Punjab.

Mr. V.K. Pujara, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 100 dated 15.06.2025 under Sections 137(2), 96, 61(2) and 64(2) of BNS and Sections 6, 17, 21 of POCSO Act, registered at Police Station Sadar Nakodar, District Jalandhar Rural.

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

“Statement of KK wife of GS, resident of Patti Bahoki, Village Sarih, PS Sadar Nakodar, District Jalandhar, aged 46 years. Phone No: 78145-7xxxx "I state that I am a housewife and reside at the address mentioned above. I was married about 25 years ago to GS, who has been residing abroad in England for a long time. We have three daughters. My eldest daughter, xxxx, and my middle daughter, xxxx, are both married. My youngest daughter, RK, was born on 17/02/2008 and is currently a 12th-grade student at Government Senior Secondary School, Sarih. On 09/06/2025, at approximately 2:00 PM, my daughter RK left the house without informing anyone. I searched for her extensively among relatives and in the surrounding area, but she was nowhere to be found. Later, while checking the WhatsApp on my phone number 78145-7xxxx, I discovered a contact named Prince (using number 00447917066898). Upon making inquiries in the village, I learned that Prince, son of the late Satpal and resident of Patti Jai Chand, Sarih, had recently returned from abroad. His family consists of his mother, Charanjet



Kaur, and his sister, Parminder Kaur. I recall that earlier, my daughter had arranged a phone call between me and this boy, during which he claimed to be from Village Chitti. Subsequently, his mother and sister also spoke with me, proposing a marriage between Prince and my daughter RK, promising to send her to Canada. I explicitly told them that my daughter is underage and still a student, and that I would need to consult my family before making any such decision. I strictly warned them not to contact my daughter further or take any wrong steps. I have a firm belief that the accused Prince, in conspiracy with his mother Charanjet Kaur and sister Parminder Kaur, has lured and taken away my daughter RK (who is approximately 17 years and 4 months old) with the intent of marriage. I request that legal action be taken against all three individuals and my daughter be recovered. My statement has been recorded in the presence of my brother, Kuldeep Singh, and it is correct.""

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the mother of the prosecutrix. This fact stands established from a bare perusal of the affidavit annexed at Annexure P-2, wherein the prosecutrix, aged about 18 years, has categorically stated that the FIR was registered without her knowledge or consent, and upon a complete misconception of facts. Rather she has even expressed therein her desire to solemnize marriage with the petitioner. Moreover, there is also a delay of 06 days in registration of the FIR. It is further submitted that there is no direct evidence on record that points towards the complicity of the petitioner. Learned counsel has also submitted the testimony of the prosecutrix, which is accordingly taken on record, and contended that the concerned material witness has not supported the case of the prosecution before the learned trial Court and has been declared hostile. Learned counsel contends that the 28-year-old petitioner has already undergone custody of 07 months and 26 days. There is only one other case registered against him, which too has arisen out of the ongoing dispute *inter se* the same parties.

4. *Per contra*, learned State counsel and learned counsel for Respdt.



No.2 have vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel states that the petitioner was actively involved in the commission of the offence. Learned State counsel 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 07 months and 26 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 19.11.2025 and out of total 21 prosecution witnesses, only 06 have been examined till date. Learned State counsel 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 came to be framed on 19.11.2025. Yet only 06 out of 21 cited prosecution witnesses have been examined. 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 07 months and 26 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. Moreover, it is noted that the material witness i.e. the prosecutrix, during the course of her examination before the trial Court, did not support the prosecution version and has been declared hostile. While it is settled that the probative value of such testimony is a matter for appreciation at the stage of final adjudication of the case, yet, even while refraining from entering into any conclusive evaluation thereof, this factum cannot be completely overlooked. 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

April 29, 2026
Ritika

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