

2026:PHHC:081700



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-19882 of 2026 (O&M)

Date of Decision: 21.05.2026

Lucky Sain

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG., Punjab.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the BNSS (Section 439 Cr.P.C.) seeking grant of regular bail to the petitioner in case FIR No. 172 dated 12.10.2025, registered under Section 64(2) of the BNS (corresponding to Section 376(2) IPC) and Section 4 of the POCSO Act, at Police Station Sadar Sangrur, District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner, a young boy aged 19 years, has been in custody since 12.10.2025 and has been falsely implicated in the present case. It is contended that the complainant-mother of the prosecutrix, the prosecutrix herself, as well as other material witnesses, have already been examined before the learned Trial Court and have not supported the allegations levelled in the FIR, whereupon they were declared hostile. It is further submitted that once the star witnesses of the

prosecution have failed to support the prosecution version, the very substratum of the case stands materially shaken. Learned counsel further submits that the prosecutrix, while deposing before the learned Trial Court, categorically denied the occurrence alleged in the FIR and further stated that her statement recorded under Section 183 BNSS had been made under pressure from the police officials, thereby substantially denting the prosecution case. It is also argued that the medical evidence does not support the allegations, inasmuch as no injury or sign suggestive of sexual assault was found on the person of the prosecutrix. Learned counsel submits that the investigation already stands completed, the final report has been presented, charges have been framed, and the material witnesses, including the prosecutrix, stand examined. Nothing remains to be recovered from the petitioner and the trial is likely to take considerable time to conclude. Therefore, no useful purpose would be served by keeping the petitioner incarcerated any further and he deserves the concession of regular bail.

3. *Per contra*, learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner and submits that the allegations levelled against the petitioner are grave and serious in nature, involving commission of offences punishable under the provisions of the POCSO Act. Learned State counsel further submits that though the investigation stands completed, challan has been presented and charges have already been framed, the trial is still underway and only 4 out of 15 prosecution witnesses have been examined till date. It is, however, fairly conceded that the complainant and the prosecutrix, who have already

stepped into the witness box, have not supported the prosecution version during the course of trial.

4. I have heard learned counsel for the parties and have gone through the paper-book with their able assistance.

5. Admittedly, the petitioner has remained in custody since 12.10.2025. Investigation in the case stands completed, challan has already been presented and charges have been framed. It is also not disputed that the complainant as well as the prosecutrix have already been examined before the learned Trial Court and have not supported the case of the prosecution. The prosecutrix, while appearing before the learned Trial Court, has denied the allegations levelled in the FIR and has also stated that her statement recorded under Section 183 BNSS was made under pressure of the police officials. Furthermore, the medical evidence also does not prima facie lend support to the prosecution version. Out of 15 prosecution witnesses, only 4 witnesses have been examined till date and, therefore, conclusion of trial is likely to take considerable time.

6. Without commenting upon the merits of the case, considering the custody period undergone by the petitioner, the stage of the trial, the fact that the complainant and the prosecutrix have not supported the prosecution case, and that nothing remains to be recovered from the petitioner, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

7. Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail during the pendency of trial, subject to

his furnishing adequate bail and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

8. Needless to observe, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(NEERJA K. KALSON)
JUDGE

21.05.2026

s.khan

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