



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

(212)**CRM-M-19662-2026****Date of Decision: 20.05.2026**

JAGJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vikas Gupta, 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. 116 dated 14.05.2025 under Section 65 of BNS (Section 376 of IPC) and Section 6 of POCSO Act and added lateron Section 75 of BNS (Section 354-A of IPC) and Section 8 of POCSO Act, registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1).

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

“Statement of Shri Rajesh Kumar (District Child Protection Officer, Tarn Taran), S/o Prem Kumar, resident of MCBZ600365, Main Road, Near Gali No. 13, Bachan Colony, Bathinda, aged about 39 years, Mobile No. 73074-3xxxx, stated that I am resident of the above-mentioned address and I am posted as District Child Protection Officer, Tarn Taran. Today, I was present in my office, Room No. 311, Third Floor, DC Office, Tarn Taran, when Sukhdev Singh S/o Swaran Singh, resident of Gali Bajigarani Wali, Mohalla Nanaksar, Bank Side, Tarn Taran, appeared before me and submitted a written application and also produced a video. The said video was prepared by Rajinder Kaur W/o Jagjit Singh S/o Kundan Singh, which was presented before me by Sukhdev Singh S/o Swaran Singh. After watching the said video, it came to know that Jagjit Singh S/o Kundan Singh, resident of Kajikot, had been committing rape with the minor girl since approximately the period from March to April. The date of birth of the girl is 12.10.2014, who is studying in 6th class at Shri Guru Arjan Dev Government Girls Senior Secondary Smart School, Tarn Taran. I brought the girl from the school and, keeping in view the safety of the girl, the girl was kept at Sakhi One Stop Centre, Government Hospital. The medical examination of the girl was got



conducted and necessary action be taken. The application submitted by Sukhdev Singh is also being produced before you. Statement has been recorded, read and is correct."

3. Learned counsel for the petitioner submits that the petitioner, aged about 54 years, has been falsely implicated in the present case on the basis of the statement the complainant regarding sexual assault upon a minor prosecutrix, who admittedly was not known to him. It is submitted that the FIR was infact got lodged by the complainant at the behest of the wife of the petitioner, who purportedly produced a video of the alleged incident. However, the wife of the petitioner has now categorically admitted that the alleged video was fabricated and presented so as to settle scores with the petitioner, with whom she had matrimonial and property disputes. Accordingly, she was declared hostile at the time of recording of her testimony before the learned trial Court. It is submitted that the adverse statements made by the prosecutrix were also tutored. There is no cogent evidence on record, medical or otherwise, to substantiate the allegations leveled against the petitioner, who has already undergone an actual custody of 01 year and 04 days.

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 01 year and 04 days. The charges were framed on 26.08.2025 and out of a total of 15 cited prosecution witnesses, 03 have been examined till date. Moreover there is one more case registered against the petitioner under the Prisons Act. 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 came to be framed on 26.08.2025. Only 03 out of 15 cited prosecution witnesses have 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 01 year and 04 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, particularly when the material witnesses stand examined. Moreover, one of the material witnesses i.e. wife of the petitioner has been declared hostile during her examination. 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 20, 2026

Ritika

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