



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

(214)

CRM-M-20508-2026

Date of Decision: 12.5.2026

Navneet Singh @ Neeta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shubham Goyal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 46 dated 20.4.2024 under Sections 376(D), 120-B, 506 IPC and Sections 5(g), 6 and 17 of the POCSO Act, registered at Police Station City Nakodar, District Jalandhar.

2. Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Nakodar, Jalandhar (Rural) has been filed by the State, which is taken on record.

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

“Statement of unknown Girl (H) Daughter of Lakhwant Singh Resident of Village Bhagwanpur Police Station Sadar Malot District Sri Muktsar Sahib Age 16 years Phone No: 88475-21483 stated that I am a resident of aforesaid address and I am a house hold lady. We are 4 sisters and brother and out of which we are 3 sisters and one brother. I am the eldest one. My date of birth is 10.05.2008 and I have studied up to 10th class. My father is doing labour work and my mother Rajveer Kaur is a house hold lady. On 19.04.2024 to Dera Baba Muradshah Ji Nakodar at about 11:00 AM by telling my mother Rajveer Kaur to pay obeisance in by Punjab Roadway bus



from Malaut to Nakodar and at 02:30 PM I reached Dera Baba Muradshah Ji at Nakodar. After paying obeisance at Dera Baba Muradshah Ji Nakodar, she came out of the dera at 07:30 in the evening and much time has passed, I went to get a room on rent for staying at night at Bapu Lal Badshah Ji Nakodar and when I reached Bapu Lal Badshah Ji and enquired about the room then Managers of the dera told me to wait and said that we will tell you about the room and after some time when I was present at jora ghar, then a boy who was telling his name as Karan son Jasvir Raj resident of Sunder Nagar Nakodar came to me and said that you will not get a room here and asked me to accompany him and he will get a room for me. I came into his talks and then another boy came along with Karan, whose name is Pawan Kumar, son of Ram Dutta, resident of Sunder Nagar, Nakodar. Then he took me on their motorcycle color black bearing number PB-08-EV-3846 on the pretext of showing me a room, took me to a vacant place near Jalandhar Road Sianniwal Gate, which I can recognize. Where Karan and Pawan tried to forcibly committed rape with me and on my refusal raising rousa, they dropped me back near Dr. Ambedkar Chowk Nakodar Sabji Mandi and then I again went to the dera where a person came on same motorcycle color black bearing number PB-08-EV-3846 whose name later one came to be Mukesh Kumar Yadav son of Vinod Kumar Yadav resident of Sunder Nagar Nakodar. Immediately on coming he told me to accompany him and said that he will get a room for me. On which I along with him on the motor cycle and said Mukesh Kumar Yadav took me with him on a motorcycle at the side of a river at a distance of about 4/5 km away from Nakodar city, regarding which I later came to know that this river passes from Shankar village. Immediately on coming there, Mukesh Kumar Yadav started giving slaps to me and tried to strangle my throat and forcibly committed rape with me under the fear of killing me. I raised rousa in loud voice but on account of vacant place, there was nobody present. This incident is of night time at about 08:30/09:00 P.M. then he scared me and called 3 other persons whose names I came to know are Navneet Singh son of Basambar Singh resident of Back Side Khader Bhandar Azad Nagar Nakodar City Nakodar, Chandan son of Heera Lal resident of Azad Nagar Nakodar, Vikral Raj son of Suresh Kumar resident of Azad Nagar Nakodar. The said three people came there on a motorcycle number PB-08-EF-9221 Make Hero Deluxe. The aforesaid three persons came on a motorcycle who extended threats and I became frightened. The aforesaid three persons turn by turn committed rape with me and then the aforesaid three persons took me to Nurmahal bypass at 10:00 o'clock in the night on their motorcycle and they put me under fear and by extending threats of life again committed rape with me in a vacant plot near a school. Then Mukesh Kumar Yadav came back and he who is came there and all four of them again committed rape with me by putting me under fear of death is near State Public School Nakodar at 11:00 pm and Vikral and Navneet, Mukesh and Chandan once again raped me under fear of death.



Then Mukesh Kumar Yadav called other boys whose names were Vicky Kumar son of Surinder Singh resident of Street No. 03 Mohalla Rahmanpura Nakodar and the other person namely Ajay Kumar son of Raj Kumar resident of Vijay Nagar Colony Mohalla Ravidaspura Backside Guru Nanak Dev University Nakodar who came there on seeing my condition they got frightened and did not do anything wrong with me. I requested them for extending help to me. But they went back without extending any helping to me. Then Mukesh Kumar Yadav took me on his motorcycle and took me in the house of Vicky Kumar at Mohalla Rahmanpura Nakodar. Where the said Vicky Kumar threatened me again and forcibly committed rape with me there. At around 01:30 AM, the said Vicky Kumar turned me out of his house in the street and I on account of fear and not aware about the area again went to dera Baba L Badshah ji and kept on sitting there by concealing myself. After sun rise and after inquiring from the passer bys I asked about the police station and was coming to the police station. I told the whole incident to my mother Rajvir Kaur on phone. That you have met me on the way. Kindly take strict legal action against the aforesaid persons who in connivance with each other have committed rape with me.”

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the prosecutrix, wherein she had alleged that the petitioner and other co-accused had developed forceful physical relations with her. It is submitted that there are material contradictions and improvements in the statements the prosecutrix recorded under Section 164 Cr.P.C., and in her deposition recorded before the learned trial Court. Initially 08 persons were named in the FIR, however, while 02 were found innocent during investigation, the prosecutrix has not supported the case of the prosecution qua 03 of the co-accused and has turned hostile qua them. It is further submitted that there is no evidence that point towards the complicity of the petitioner. Learned counsel also submits that vide orders dated 19.2.2026 passed in CRM-M-22073-2025 (Annexure P-3) and dated 17.3.2026 passed in CRM-M-12018-2026 (Annexure P-4) co-accused Ajay Kumar and Chandan, respectively have been granted the concession of regular bail. The material witnesses



have been examined before the learned trial Court. The petitioner has undergone an actual custody of 02 years and 14 days and there is no other criminal case registered against him.

5. *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 02 years and 14 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 30.7.2024 and out of total 32 prosecution witnesses, 17 have 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.

6. Heard the rival submissions made by learned counsel for the parties.

7. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the evidence, must take into consideration the nature of the offence, severity of the punishment and *prima facie*, the involvement of the accused and the material on record.

8. 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."

9. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 30.7.2024. Yet, only 17 out of 32 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 02 years and 14 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

10. While the truthfulness or otherwise of the allegations levelled against him 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.

11. 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***.

12. 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.

13. 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.

14. 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.

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

(KIRTI SINGH)
JUDGE

May 12th, 2026
Gurpreet Singh

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