



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

(211)

**CRM-M-20792-2026
Date of Decision: 29.04.2026**

VIKRAL RAJ @ VICKY @ VIKRAL RAJ CHOCHAN

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S. Bajaj, Advocate
for the petitioner.

Mr. Ekom Pal Sagoo, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS (old Section 439 of Cr.P.C.) has been invoked for grant of regular bail to the petitioner in case FIR No.46 dated 20.04.2024 under Sections 376(D), 120-B and 506 of IPC (new Sections 70(1), 61(2), 351(2)&(3) of BNS) and Sections 6, 17 of POCSO Act, registered at Police Station City Nakodar, District Jalandhar Rural.

2. 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 Malout, Distt. Sri Muktsar Sahib aged 16 years Mobile No.88475-21483 stated that I am resident of aforesaid address and I am a housewife. We are four sisters and brothers and out of which we are three sisters and one brother. I am the eldest one. My date of birth is 10.05.2008 and I have studied upto 10th class. My father is doing labour work and my mother xxxx is house wife. On 19.04.2024 at about 11.00 am, I had gone to Dera Baba Muradshah Ji Nakodar to pay obeisance in Punjab Roadway bus from Malout to Nakodar and at 2.30 p.m. I reached Dera Baba Muradshah Ji at Nakodar. After paying obeisance at Dera Baba Muradshsh Ji Nakodar, she came out of the Dera at 7.30 in the evening and much time has passed, I went to get a room on rent for staying at night at Babu Lal Badhshah Ji Nakodar and when I reached Babu Lal Badshah Ji and enquired about the room then Manager of the Dera told me to wait and said that we will tell you about the room after some time. When I was present



at Jora Ghar; then a boy who was telling his name as Karan son of 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 alongwith Karan whose name is Pawan Kumar son of Ram Dutta, resident of Sunder Nagar, Nakodar. Then they took me on their motorcycle colour black bearing No.PB08EV-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 commit rape with me and on my refusal raising noise, they dropped me back near Dr. Ambedkar Chowk Nakodar Subzi Mandi and then I again went to Dera where a person came on same motorcycle colour black bearing No.PB08-EV-3846 whose name lateron came to know as 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 sat alongwith him on the motorcycle and said Mukesh Kumar Yadav took me on motorcycle at the side of a river at a distance of about 4/5 kms 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 strangulate my throat and forcibly committed rape with me under the fear of killing me. I raised noise in loud voice but on account of vacant place, there was nobody present. This incident is of night time at about 8.30/9.00 p.m. then he scared me and called three other persons whose names I came to know as Navneet Singh son of Basambar Singh resident of backside 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 persons came there on a motorcycle number PB08-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 there and all four of them again committed rape with me by putting me under fear of death near State Public School Nakodar at 11.00 p.m. 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.3, 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 help 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 Lal Badshah I and kept on sitting there by concealing myself. After sunrise and after inquiring from the passersby I asked about the police station and was coming to the police station. I told the whole incident to my mother xxxx on phone. You have met me on the way. Strict legal action be taken against the aforesaid persons who in connivance with each other have committed rape with me. Sd/- Girl (H). Attested Arshpreet Kaur, Insp. P.S. City Nakodar, District Jalandhar (Rural) Date 20.4.2024.”

3. Learned counsel for the petitioner submits that the 26 year old petitioner, has been falsely implicated in the present case on the statement of the prosecutrix alleging that the petitioner, along with other co-accused, forcibly established physical relations with her. It is submitted that that there is no cogent evidence on record to substantiate the sweeping allegations leveled against the petitioner. Moreover, the prosecutrix at the time of her cross-examination before the learned trial Court duly admitted that she neither knew the petitioner, nor had he committed the alleged offences against her. Infact, it was her categoric submission that the present FIR was got lodged by her under undue influence. It is the further submission that co-accused Ajay Kumar, and similarly placed co-accused Chandan have already been granted concession of regular bail on 19.02.2026 & 17.03.2026 in CRM-M-22073 of 2025 and CRM-M-12018-2026 respectively, which are annexed as Annexures P-2 & P-3, respectively. It is submitted that the petitioner has already undergone an actual custody period of 02 years and 01 day. 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. Learned State counsel states that the petitioner was actively involved in the commission of the offence. He 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 01 day. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 30.07.2024 and out of total 32 prosecution witnesses, 12 have been examined till date and 03 have been given up. Learned State counsel further 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 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 30.07.2024. Moreover, 12 out of 32 cited prosecution witnesses have been examined till date and 03 have been given up. 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 01 day. 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. Moreover, it is noted that the material witness i.e. the prosecutrix, during the course of their examination before the trial Court, has resiled from her previous statements. 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