



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

209

CRM-M-22943-2026

Date of decision: 30.04.2026

Bhaskar Saini @ Labbi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Deepak Arora, Advocate for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No. 77 dated 21.08.2025 registered against him, for commission of offences punishable under Section 64 BNS at Police Station Behrampur, District Gurdaspur, has prayed for grant of bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“Criminal proceedings in the present case were set into motion by Prosecutrix XXXX, aged about 19 years, daughter of XXXX, resident of Village Marara, Police Station Behrampur, who in her complaint pointed out that she is a home maker. About 2 years ago, she was married to one Banno, resident of Nandpur Rara, Pathankot. Her in-laws kept her at their house for about a week and after that they sent her back to her parental home. In 2024, she performed second marriage with one Lucky, resident of Malla, with whom she stayed for 2 weeks and after that, parents of Lucky sent her back to her parental home. She has studied till 10th Class. Since 2024, and a year thereafter, her family resided in a rented premises in the house of petitioner-Bhaskar Saini @ Labbi son of Chinda Pastor,



resident of Village Marara, P.S. Behrampur. Now her family has constructed their own house. Prosecutrix alleged that petitioner used to keep evil eye on her. At about 8:00 PM on 16.07.2025, while she was going to offer prayers at a nearby temple and had crossed the house of the petitioner, he suddenly grabbed her, pulled her and forcibly took her inside his house. There in a room, he threw her on the bed and violated her person. After a long time, she returned back to her house. The next day she narrated the entire facts to her mother and father, who consulted the legal professionals for initiating further proceedings. Thereafter, the family decided to lodge the complaint. On the basis of the said complaint, a formal case vide FIR No.77 dated 21.08.2025 u/s 64 BNS was registered.”

Investigations were set into motion. During the course of which statement of Prosecutrix u/s 164 Cr.P.C. (Section 183 BNSS) was recorded, she was got medico legally examined, statements of other witnesses were also recorded. Petitioner was arrested, who during the course of interrogation confessed to his involvement.

On culmination of investigation, challan complete in all respects was filed against the petitioner.

3. Petitioner moved an application for grant of Bail before the learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur. The same came to be dismissed vide order dated 20.03.2026. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, aged about 44 years with clean past antecedents, has been falsely implicated in the present case. The fact that alleged incident occurred on 16.07.2025 but the complaint was filed after a delay of about 35-36 days itself suggest that the sequence of events did not unfold in the manner as portrayed by Prosecutrix/complainant and a coloured version has been introduced.

Continuing further, learned counsel contends that Prosecutrix and her family



had been residing as a tenant on the first floor of the house owned by petitioner, for approximately 1½ years prior to the alleged incident. At no point in time, prior to lodging of present complaint, did the petitioner attempt to exceed his limits, nor was any such allegation ever levelled by the Prosecutrix. In fact, the brother of Prosecutrix had stolen Rs.5000/- from the house of petitioner. When this fact came to the notice of his family members, a Panchayat was convened wherein it was agreed that Prosecutrix and her family would vacate the rented accommodation. Nursing a grudge against petitioner on this count, Prosecutrix came up with the false story of sexual assault and levelled false allegations that he violated her person.

The next leg of submission of learned counsel for the petitioner is that even otherwise the story as portrayed by the Prosecutrix does not appeal to common sense for it appears strange that Prosecutrix who was allegedly dragged from a street situated in residential colony, at about 8:00 PM on 16.07.2025, did not raise any objection, call for help or raised any alarm etc. Further, the alleged incident as per first version of prosecution, continued for long. The house being located in a densely populated area, it is highly unlikely that petitioner was able to drag the Prosecutrix and violate her person without being noticed by anyone. In any case, Prosecutrix the star witness of prosecution story has been examined, as also has been her father, thus the likelihood of petitioner overawing them, if extended the concession of bail is totally ruled out.

Towards the end, learned counsel contends that the likelihood of completion of trial in the near future is being quite remote, for still many PWs remain to be examined, thus when appreciated in the light of factual scenario of the case, further incarceration of petitioner, who has clean past antecedents, would not serve any useful purpose and the same would be violative of his fundamental rights guaranteed under Article 21 of the Constitution of India. Prayer for allowing the petition has been made.



5. *Per contra*, while opposing the request for grant of bail, learned State counsel contends that petitioner who violated the person of a young woman and raped her is not entitled to the relief sought for, if extended the concession of bail, there is every likelihood of him fleeing from the process of justice and committing yet another offence of like nature cannot be ruled out. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled that grant or refusal of bail is the discretion of the Court. Factors to be kept in mind while granting the concession of bail have been discussed by the Hon'ble Supreme Court in several cases. The essence being that while exercising powers under Section 439 Cr.P.C. (*Pari materia* to Section 483 of BNSS), the Court has to take into consideration various para meters including the nature of the charge, evidence, seriousness and gravity of offence, punishments to be awarded to a person, if he is convicted, his past antecedents etc. Thus, there can be no straight jacket formula for exercising the discretion and each case has to be examined on its peculiar facts.

Hon'ble Apex Court as well as this Court in catena of judgments have repeatedly held that accused is presumed to be innocent until proven guilty, as such this Court sees no reason to curtail the freedom of the petitioner indefinitely during trial.

The Hon'ble Apex Court in *Sanjay Chandra versus Central Bureau of Investigation (2012)1 Supreme Court Cases 49*; held as under:-

"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 can be 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. 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 India, 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. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the propose of giving him a taste of imprisonment as a lesson."

In view of the settled proposition of law, submissions advanced by learned counsel for the petitioner, but without advertng to merits of the case lest it may prejudice the trial, this Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject



to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this



order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

30.04.2026
Hemant

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