



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

(215)

**CRM-M-27963-2026
Date of Decision: 21.05.2026**

GURPREET SINGH @ GOPI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 483 of BNSS (corresponding to Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No. 176 dated 04.08.2025 under Sections 137(2), 87, 61(2), 64 of BNS (Sections 363, 366, 120-B, 376 of IPC) and Section 4 of POCSO Act, registered at Police Station Khalra, District Tarn Taran.

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

"Statement of Hardeep Singh son of Joginder Singh resident of Sidhwan age about 30 years mobile number 99146-7xxxx. Stated that I am a resident of the above address and I do manual labor work. My marriage took place with xxxx daughter of Mukhtiar Singh resident of Dodhe. Three children were born in my house. My eldest son is Harpreet Singh age about 16 years, younger to him is Lovedeep Singh age about 15 years, and the youngest is xxxx, whose age according to the birth certificate date of birth 07-05-2011 is about 14 years 2 months. On 02-08-2025, we had slept in the courtyard of our house after having our meal. In the morning when I woke up, I saw that my daughter xxxx was not on her cot. I searched a lot nearby and in the neighborhood but my daughter was not found. I have full belief that Gurpreet Singh @ Gopi son of Gurlal Singh resident of Sidhwan, on the advice of his uncle's son Husanpreet Singh son of Kala Singh resident of Sidhwan, enticed and took away my minor daughter xxxx under the pretext of marriage. Till now I kept searching for my daughter among relatives and nearby, but I did not find my daughter. Today I along with my wife xxxx was going



to the police station to give a statement, when you met us. Legal action be taken against them. They have enticed my daughter and taken her away under the pretext of marriage, and I have produced the photocopy of her birth certificate and 8th class certificate regarding the age of my daughter to you. Statement heard, got written, and is correct. Sd/- Hardeep Singh.”

3. Learned counsel for the petitioner submits that the petitioner, aged about 19 years, has been falsely implicated in the present FIR, which was lodged after a delay of about two days, on the basis of the statement of father of prosecutrix, alleging that the petitioner, in connivance with co-accused Husanpreet Singh, had enticed away his daughter on the pretext of marriage. It is submitted that the petitioner and the prosecutrix, age of whom is a disputed question of fact, were well acquainted with each other prior to the alleged occurrence. Be that as it may, there is no cogent evidence on record to substantiate the allegations leveled against the petitioner. Moreover, the prosecutrix as well as her parents, in their respective depositions before the learned Trial Court, did not support the case of the prosecution and were consequently declared hostile. Reliance in this regard is placed upon their respective testimonies, annexed as Annexures P-2 to P-4. It is submitted that the petitioner who has already undergone an actual custody period of 09 months and has clean antecedents.

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 09 months. She, on instructions from ASI Salwinder Singh, submits that in the present case, charges were framed on 28.11.2025 and out of total 11



prosecution witnesses, 03 have been examined till date. 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 28.11.2025. Yet only 03 out of 11 cited



prosecution witnesses have been examined. The petitioner has already remained in actual custody for a period of 09 months. The pace of the proceedings, thus, indicates that the conclusion is not imminent. 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 witnesses during the course of their examination before the trial Court, did not support the prosecution version and have been declared hostile. 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

May 21, 2026
Ritika

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