



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

(112)

CRM-M-36462-2025 (O&M)

Date of Decision: 26.05.2026

BALJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. P.S. Sekhon, Senior Advocate with
Ms. Vitika Sekhon, Advocate and
Ms. Neha Shefali, Advocate for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

Mr. J.K. Singla, Advocate for the complainant.

KIRTI SINGH, J. (ORAL)**CRM-23136-2026**

Allowed as prayed for subject to all just exceptions. Annexure
A-1 is taken on record.

MAIN CASE

1. The jurisdiction of this Court under Section 483 BNSS has
been invoked for grant of regular bail to the petitioner in case FIR No.20
dated 07.02.2025 under Sections 451, 376(2)(N) and 506 of IPC, registered
at Police Station Bhikhi, District Mansa.

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

*“Copy of statement, “Statement of xxxxxxx daughter of Harbans
Singh son of Jagar Singh resident of Bhal Patti, Samao, aged about
24 years, mobile no. 97794-xxxxx. It is stated that I am resident of
above mentioned address. In year 2023, I have completed my B.A
through correspondence and now I am looking after domestic work.
My father is an agriculturist and mother namely xxxxxxx is house
wife. My brother namely Prabhjot Singh is studying in 9th standard.
One Baljit Singh son of Bhura Singh, aged about 35-36 years who is
our neighbour and he is with visiting terms with us. In January, 2024
the marriage of elder sister xxxxxxx was taken place, on which Baljit*



Singh had helped us in marriage arrangements for many days. On dated 01.01.2024 there was 'Jagoo' function at our house. all we started Due to which we were busy in Jagoo function and on that night my mobile phone was lost. We searched for mobile phone for two days, however it was not found. On dated 03.01.2024 when we went out for filing complaint to police then Baljit Singh told us that we should search the mobile phone again at home, it will be here only. When searching the mobile phone, then Baljit Singh picked up the mobile phone from kitchen and told that mobile phone has been found. After some days, Baljit Singh started blackmailing me over phone that I am having all of your photos and I have taken the same from your mobile phones. If you want to get these photos deleted then you have to establish relations with me. Thereafter I got terribly feared and did not disclose this incident to anyone. After some days, when no one was present at our home then Baljit Singh entered into our house by scaling over the wall and started threatening me. He threatened me to viral my photos and committed raped with me forcibly. Even after that when no one used to present at our home, he established physical relations with me by coming to our home. Whenever I used to go out then Baljit Singh used to chase me and threatened me. Now due to harassment caused by Baljit Singh, I have narrated the entire incident to my family members. Kindly take required legal action against Baljit Singh for the wrong which he has committed with me. I have got recorded my statement to you, heard it as correct." SD/ xxxxx verified by LTI/ Harbans Singh (Father) Attested by SD/ Insp. Rupinder Kaur, PS Bhikhi dated 07.02.2025"

3. Learned senior counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case on the statement of the complainant, a mature woman herself, wherein it was alleged that the petitioner developed forceful physical relations with her on multiple occasions. The true factual matrix is that the petitioner and the prosecutrix were in consensual relationship with since the year 2021, which is evident from their WhatsApp chat, excerpts of which are annexed at Annexure P-2. When the relationship between the two turned sour, the complainant lodged the present FIR, by levelling sweeping, baseless and non specific allegations, to substantiate which there is no cogent evidence on record. Moreover, the material witness i.e. the complainant stands examined before the learned trial Court. He further submits that the petitioner, aged about 42



years, has already undergone an actual custody of 1 year, 3 months and 14 days. There is no other case registered against him.

4. *Per contra*, learned State counsel as well as learned counsel for the complainant have 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 1 year, 3 months and 14 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 23.05.2025 and out of a total of 11 prosecution witnesses, one has been examined. He 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 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 23.05.2025. Yet, only 1 out of 11 cited prosecution witnesses has 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 1 year, 3 months and 14 days. 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, particularly when the material witness stands 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.***

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.

(vi) The petitioner shall not make any attempts to re-associate with the prosecutrix or her family members in any manner either through a device or in-person.

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.

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

(KIRTI SINGH)
JUDGE

May 26, 2026
JtH/esh

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