



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218-2)

CRM-M-44052-2025

Date of Decision: 17.02.2026

MAMTA RANI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. B.S. Chahal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Supneet Singh, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 36 dated 03.04.2025 under Sections 75/76 of BNS and Section 8 of POCSO Act, registered at Police Station Gidderbaha, District Shri Mukatsar Sahib.

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

"Statmenet" I xxxx Aadhaar no.2324-3516-xxxx wife of Sh. Gurpreet Singh, Tehsil Malout, District Sri Muktsar Sahib and do solemnly affirm that:- Stated that on 31.03.2025 there was marriage of son Harcharan Singh son of Baldev Singh, Resident of Village Daula, Tehsil Giddarbaha, District Sri Muktsar Sahib of my aunt mother-in-law. On 30.03.2025, I and my husband Gurpreet Singh and my daughter (Aadhar no.8853-4634-xxxx) aged 16 years 4 months and my son went to Village Daula, Tehsil Giddarbaha, District Sri Muktsar Sahib to attend the marriage. On 31.03.2025 when the Barat was returned to house then all the relatives were dancing on the D.J then at about 10 pm accused Harman Singh son of Kuldeep Singh resident of Village Lakhmireana who was present in marriage in connivance with my sister-in-law (Jethani) xxxx ask to my minor daughter to bring beddings and cot from second house on the asking of xxxx, when my daughter went second house with above



boy Harman Singh son of Kuldeep Singh, resident of Village Lakhmireana then Harman Singh caught my minor daughter near the bathroom constructed adjoining large gate in the house of Bhaje in the way and take my minor daughter in the bathroom by putting hand on her mouth and started doing obscene acts and forcibly removed the clothes of my minor daughter and started touching the breast of my minor daughter with wrong intention and started forcing. When I could not find my daughter then during search I knocked the door of closed bathroom then above Harman Singh ask me I am using flush. When did not came out for long time then I have suspicion then I knocked the door many times then above Harman Singh have not opened the door then I started kicking the door then door opened. I saw that above Harman Singh had forcibly covered the mouth of on my naked minor daughter with his hands and was forcing her. I saved my daughter from this person and raised noise then above accused Harman Singh escaped from there by pushing me. I put up clothes to my daughter. My minor daughter was very scared due to the forcing of the said Harman Singh and was not saying anything due to fear. If I had not gone on the spot, the said Harman Singh would have killed my daughter. Today 03.04.2025, on my understanding, my minor daughter came out from the fear and disclosed me about the entire incident that happened with her, then I called the Punjab police helpline 112 through mobile no.88472-xxxxx and today on 03.04.2025 lodged complaint against accused Harman Singh son of Kuldeep Singh resident of Lakhmireana and xxxx wife of Gurbhej Singh & Bhambhu son of Ajaypal Singh, resident of Abul khurana, Tehsil Malout. The complainant number is xxxxx and ID number is PBN2025040300xxxx. Above accused Harman Singh have force and raped with my minor daughter. I and my minor daughter have threat of life from above accused. At any time any type of damage can be caused. The above accused Harman Singh and xxxx should be summoned and strict legal action should be taken against them and an FIR should be registered under the POCSO Act. Therefore, the statement has been written, heard, read over and signed. Sd/-xxxx deponent.”

3. Learned counsel for the petitioner, inter alia, submits that the petitioner has been falsely implicated in the present FIR on the basis of the statement made by the mother of the prosecutrix. The allegation leveled against the petitioner is that when a marriage function was ongoing on 30.03.2025, the petitioner asked the minor prosecutrix to accompany the co-accused Harman to run some errands, whereafter, co-accused Harman performed indecent acts with her. It is submitted that there is an unexplained delay of over 03 days in the registration of the present FIR. The version

narrated by the prosecutrix also does not disclose the commission of any



cognizable offence by the petitioner, and there is also no cogent evidence on record to connect her with the alleged occurrence. The reason for which the petitioner has been wrongly nominated as an accused is familial discord, given that the complainant is the sister-in-law of the petitioner. The bonafides of the complainant are also sought to be questioned, by highlighting that the subsequent complaint(s) made by her against the petitioner and other individuals alleging that she had been threatened them for having registered the present FIR, were duly inquired into, however, upon being called to appear before the Investigating Officer, she telephonically informed that she did not wish to pursue the complaint(s). Thereafter, upon independent investigation into the matter, it was concluded that there was no truth in the allegations made in the complaint(s) and accordingly, the complaint(s) was consigned to records. Reference in this regard is made to the status report dated 16.02.2026 filed in the connected matter i.e. CRM-M-37329-2025. It is further highlighted that not only the minor son presently aged about 2 ½ years is lodged in jail with the petitioner, but she is also presently in family way, and requires frequent medical attention. Learned counsel submits that despite the charges having been framed on 02.08.2025, the prosecution witnesses are deliberately not coming forward for the recording of their statements. The 22 year old petitioner has already undergone an actual custody of 09 months and 10 days. There is no case registered against her.

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.



09 months and 10 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Learned State counsel on instructions from ASI Rachpal Singh has submitted that the charges were framed on 02.08.2025 and out of a total of 19 prosecution witnesses, none has been examined. She submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

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

6. Admittedly, despite the charges having been framed on 02.08.2025, none of the 19 prosecution witnesses has been examined till date. The petitioner has undergone actual custody of 09 months and 10 days. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following 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.

8. 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.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

February 17, 2026
Ritika

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