



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

(120)**CRM-M-48887-2025****Date of Decision: 19.03.2026**

ANMOLAK SINGH @ ANMOLDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Navraj Singh, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

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. 72 dated 04.09.2024 under Section 69 of BNS, registered at Police Station Sudhar, District Ludhiana Rural, Punjab (Annexure P-1).

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

“statement stated that I,xxxx daughter of Jagdev Singh son of Mahinder Singh Resident of Halwara Police Station sudhaar District Ludhiana Age 18 years Phone Number 98559-2xxxx stated that I am a resident of the above said address. My date of birth is 08-06-2006. I have 12 passed and I have 12th class pass from Government Senior Secondary School Halwara. In the year 2023, I joined IELTS Helpline at Raikot to do IELTS. On January 2024, I came into friendship with Anmoldeep Singh son of Pardeep resident of seloani who often used to tell me that, "You will do your IELTS and then we will solemnize marriage and will send you abroad. On August 2024, Anmoldeep Singh came to my house, at that time there was no one in my house, then anmol said to me i want to get marry with you and who had taken me in words and made physical relations with me then we are getting closer and it became trust on him. On dated 31st August 2024 Anmol made phone call to me and stated that we should get marry and take your belongings and come out from home then I will pick up you outside from your home. On 01-09-24 at 3 AM, Anmoldeep Singh came outside our house in order to pick up me, where I met him. There I went along with him on his motorcycle their Anmol took



me at Simar hotel raikot where Anmol said to me that we will perform marriage tomorrow and then I will take you at his home. There after Anmol maid physical relations with me and We stayed at Simar Hotel Raikot till 9.00 am and their after Anmol took me in his village home Seeloni at around 9:30 a.m. where the parents of the Anmol were also present. When I said to Anmol about the solemnization of marriage today then Anmoldeep Singh started saying to me, "I can't get married to you, you should go back to your home, my purpose is was only to have physical relations with you and I made a lot of request to Anmol but he did not pay any attention on it then I came back home to village halwara. Anmol made physical relation ship on pretext of marriage now he refuse to perform the marriage action be taken against Anmol and justice provided to me. Appropriate action should be taken and justice should be given to me. I wrote a statement to you. I heard it, Deponent Sd/-xxxx."

3. Learned counsel for the petitioner submits that the petitioner, aged 19 years, has been falsely implicated in the present case on the basis of the statement of the prosecutrix, alleging that the petitioner established physical relations with her on the false pretext of marriage and subsequently refused to marry her. It is submitted that the prosecutrix herself stated to the petitioner that she was being compelled by her parents to marry a 39-year-old man, owing to which she left her home and voluntarily remained in contact with the petitioner. Reliance in this regard is placed on the conversation between the petitioner and the prosecutrix, annexed as Annexure P-3. It is further submitted that the father of the petitioner advised the prosecutrix telephonically to reconsider her decision and return to her family; however, the prosecutrix, while affirming that she was 18 years of age, expressed her willingness to marry the petitioner despite his lack of stable employment. It is further submitted that no cogent or reliable evidence has been placed on record to substantiate the allegations against the petitioner. Moreover, the petitioner has never refused to marry the prosecutrix and is willing to do so upon attaining the age of 21 years. Learned counsel submits that the petitioner has already undergone an actual custody of 09 months and has clean



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. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 25.09.2025 and out of total 15 prosecution witnesses, only one PW i.e. the victim has been examined till date. She 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 further, 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 25.09.2025. Yet only the victim, out of 15 cited prosecution witnesses has been examined till date. 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 09 months. 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 i.e. the victim 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.

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

March 19, 2026
Ritika

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