



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

(114)

**CRM-M-54899-2025 (O&M)
Date of Decision: 20.2.2026**

Kamaljit Singh alias Kamal Sidhu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S.Sangha, Advocate
for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 33 dated 29.3.2025 under Sections 10, 11 of Prohibition of Child Marriage Act, 2006, Sections 4 and 6 of the POCSO Act, 2012, Sections 64, 336(2), 336(3), 338, 340, 61(2) of BNS, Section 18 of the Hindu Marriage Act, registered at Police Station Sadar Moga, District Moga.

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

*“Statement of Pargat Singh, son of Mohan Singh, son of Inder Singh, resident of Jalalabad, East Tehsil: Dharamkot, age 36 years.
Me: 89685-03265 I declare that I am a resident of the above address and work as a labourer. I got married in 2010 to Sarabjit Kaur, daughter of Chhatra Singh resident of Salina, I have 04 children, all of them elder girl xxxxxx whose date of birth is 19.05.11, younger girl Jaspreet Kaur whose age is 11/12 years, and the younger son, Harman Singh, is 9 years old and my youngest daughter, Sukhpreet Kaur, is 7 years old. My wife Sarabjit Kaur had illicit relations with Baljit Singh, son of Baga Singh, resident of*



Jalalabad due to which we used to quarrel among ourselves, I used to stop my wife Sarabjit Kaur from doing so, but Sarabjit Kaur used to quarrel a lot, due to which about 1 ½ years ago my wife took away my children and went to parental house at village Salina and started living there along with Baljit Singh, my wife Sarabjit Kaur, My brother-in-law Nachhatar Singh, my sister-in-law Nikki Kaur, sister-in-law Karamjit Kaur and Harbans Singh resident of Salena in connivance with each other after preparing the fake Aadhaar card of my daughter xxxxxx, aged 13 years and 10 months and solemnized marriage of xxxxxx with Jagga Singh son of not known resident of Ghalib Kalan District Ludhiana on 20.12.2024. About this, I came to know later, my daughter Manjinder Kaur is a minor. Aforesaid persons in connivance with each other made fake Aadhaar card of my minor daughter xxxxxx written her date of birth on it as 19.5.2005 and performed marriage of xxxxxx and presented a print out of Aadhar Card.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the complainant. The petitioner has not been named in the present FIR, and has been nominated as an accused on the basis of disclosure statement of co-accused Sarabjit Kaur, mother of the victim. It is submitted that the victim in her statement recorded under Section 183 BNSS has specifically stated one Ajay Singh has got prepared her Aadhar Card, on the basis whereof, her marriage was performed. It is further submitted that the petitioner has no concern with the complainant, the prosecutrix or any of the co-accused. The petitioner neither participated in the alleged marriage of the prosecutrix, nor has any role in alleged tampering of the Aadhar Card. It is submitted that after marriage, the prosecutrix and Jagga Singh visited the shop of the petitioner only for making photocopies of their Aadhar Cards; and the allegation against the petitioner that he manipulated or tampered the Aadhar Card of the prosecutrix, is baseless. He submits that vide order dated 27.5.2025



co-accused Ajay Singh has been granted the concession of anticipatory bail. He further submits that the petitioner has undergone an actual custody of 07 months and there is no other criminal case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He 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 07 months. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 19.8.2025 and out of total 22 prosecution witnesses, none has been examined till date. 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. Admittedly, despite the charges being framed on 19.8.2025, all the prosecution witnesses are yet to be examined. The petitioner has undergone actual custody of 07 months, and there is no other criminal case registered against him. Similarly situated co-accused has been granted the concession of anticipatory bail. The veracity of the allegations levelled 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



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 20, 2026
Gurpreet Singh

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