



CRM-M-56971-2025

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

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**CRM-M-56971-2025
Decided on : 13.01.2026**

Paramjit Singh @ Paramjeet Singh @ Parmu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

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

Mr. Amit Shukla, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.76 dated 07.06.2024, registered under Sections 377, 34 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Jhunir, District Mansa.

2. As per prosecution story, the petitioner alongwith co-accused had carnal intercourse with the minor son of complainant, aged about 14 years against the order of nature. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He contends that the alleged occurrence took place on 05.06.2024 and



the FIR was lodged on 07.06.2024, as such there is a delay of 02 days in lodging the FIR, which makes the prosecution version highly improbable. Learned counsel further contends that complainant (PW-3), Bagga Singh (PW2) as well as victim (PW1) have not supported the case of the prosecution and have been declared hostile. To lend force to his contention, learned counsel has drawn the attention of this Court to the statement of the victim 'S'-PW1 (Annexure P-2) and statement of Bagga Singh-PW2 (Annexure P-3) and statement of complainant PW-3 (Annexure P-4), made before the trial Court wherein none of them have supported the case of the prosecution and have not identified the petitioner to be the person who committed the offence. The petitioner is in custody for the last more than 01 year 04 months and 19 days and he has clean antecedents. The investigation in the case is complete, challan stands presented and charges have been framed. Learned counsel further submits that out of 20 prosecution witnesses, only 06 have been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and if the petitioner is released on bail, he may abscond, tamper with the evidence or intimidate the witnesses. However, he has not controverted the fact that the complainant as well as victim have not supported the case of prosecution and that the petitioner is a first time offender as he is not involved in any other case.



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5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 year 04 month and 19 days; PW2 Bagga Singh, PW-3 complainant as well as the victim have not supported the prosecution case and turned hostile; investigation is complete; challan stands presented, charges have been framed; out of 20 prosecution witnesses, only 06 have been examined till date and the trial is proceeding at snail's pace, no useful purpose would be served by detaining him in further custody. 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.

6. Reliance is placed upon a judgment in the case of *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule" and "jail is an exception".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

13.01.2026

mamta

(RUPINDERJIT CHAHAL)

JUDGE

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