



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

(110)

CRM-M-59700-2025**Date of Decision: 07.03.2026**

SATNAM SINGH ALIAS SATTA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Meena, Advocate for
Mr. Amit Arora, Advocate
for the petitioner.

Mr. Yadwinder Singh, 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. 13 dated 22.02.2016 under Section 376 IPC (lateron converted to offence under Section 376-D of IPC), registered at Police Station Harike, District Tarn Taran.

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

“Police Station Harike District Tarn Taran, Copy of Rapat No. 20 dated 13.02.2016, L/SI Daljit Kaur 3022 Tarn Taran and it is registered in the DDR at 3.20 PM, stated that I L/SI along with other police officials were present at special Naka Bandi at Bus stop Marhana that xxxx daughter of Jaswant Singh caste Jatt resident of Ratta Gudda aged about 19 years was obtain and details of the statement are: That I am resident of above mentioned address and doing household work and I have studied up to 3rd class only from Village School. We are three brother sister my elder brother Gursewak Singh is the eldest and he is married, younger to him is Raj Singh and I am the youngest. Yesterday night i.e. 12.02.2016 the whole family after having dinner slept there in respective rooms where I am along with my brother and his wife and Prince my brother's brother-in-law who had come to visit us slept in one room. That around 10.30 PM I came outside in courtyard for urinating that Jeeta son of Niranjan Singh and Balwant Singh son of Thakur Singh Caste Mazbi Resident of Ratta Gudda were already standing there



near the wall of courtyard and both had wrapped blankets around them. On seeing me, Balwant Singh Gagged my face with his hands and both dragged me towards the road and one unidentified person with a muffled face with a motorcycle but I could not identify him. All the three persons took me to the tubewell on their motorcycle and these three persons committed rape with me turn by turn. And dropped me back in the village on the same motorcycle and after reaching my home I told everything to my Chacha Nachhatar Singh and Chachi xxxx and today I along with my father Jaswant Singh and my Chachi xxxx were going to inform you that you met us on the way. They have done injustice to me, action be taken against them. LTI Jaswant Singh. Sd/- Gurpreet Kaur. Attested Sd/- Baljeet Kaur L/SI, I/C women cell, Patti.”

3. Status report by way of affidavit of PPS, Deputy Superintendent of Police (Detective), District Tarn Taran, Additional Charge Sub-Division Patti, District Tarn Taran has been filed by the State, which is taken on record. A copy thereof has been furnished to the learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner, aged 31 years, has been falsely implicated in the present case on the basis of the statement of the prosecutrix, alleging commission of rape upon her by the petitioner along with other co-accused. It is contended that the petitioner was earlier granted regular bail in CRM-M-761-2017 vide order dated 24.01.2017; however, due to his non-appearance which was neither wilful nor intentional, he was subsequently declared a proclaimed offender vide order dated 25.10.2023 passed by the learned Additional Sessions Judge, Tarn Taran. It is further submitted that similarly placed co-accused, namely Surjit Singh and Balwant Singh, have already been acquitted of the charges levelled against them vide judgment dated 06.04.2024 passed by the learned ASJ, Tarn Taran in SC-73-2016, whereas the petitioner could not be considered for acquittal as he had been declared a proclaimed person. It is also argued that in her statement recorded under Section 164 Cr.P.C., the prosecutrix named only co-accused Jeeta Singh, Balwant Singh and one unknown person, and did not



substantiate the allegations against the petitioner. Learned counsel submits that the 31 year old petitioner has already undergone an actual custody of 02 years 03 months and 10 days and has clean antecedents.

5. *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 02 years 03 months and 10 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 06.03.2025 and out of total 16 prosecution witnesses, 10 have 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.

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

7. 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."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 06.03.2025. 10, out of 16 cited prosecution witnesses have 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 02 years 03 months and 10 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

9. Pertinently, 02 of the co-accused have already been acquitted upon trial. 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.

10. 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 witnesses stand 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*.

11. 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.

12. 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.

13. 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.

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

(KIRTI SINGH)
JUDGE

March 07, 2026
Ritika

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