



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

(132)

CRM-M-63480-2025 (O&M)
Date of Decision: 06.4.2026

Amritpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, 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. 57 dated 18.7.2025 under Section 376 IPC, registered at Police Station Women, District Police Commissionerate Amritsar.

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

“Respected Sir, it is submitted that I, am xxxxxxxx daughter of Inderjit Singh, resident of Street No. 1, Makboolpura, District Amritsar, am a peace-loving and law-abiding citizen. The complainant is a resident of the aforesaid address and earns her livelihood by operating swings (merry-go-rounds) at fairs. There was a dispute going on with certain individuals, and one of our relatives introduced me to Amritpal Singh. Amritpal Singh told me that he was the President and that he would settle my dispute. Thereafter, Amritpal Singh started visiting our house frequently and, by gaining my trust through conversations and assurances, proposed to marry me. On the false pretext of marriage, Amritpal Singh maintained physical relations with me for a period of two years, repeatedly assuring me that he would marry me. Whenever I insisted upon marriage, Amritpal Singh made false promises and delayed the matter. Further, Dalbir Kaur @ Bholi used to abuse me with filthy and indecent language, as she did not want my marriage with Amritpal Singh to take place, and Dalbir Kaur @ Bholi



repeatedly told me the same. That if I asked to marry Amritpal Singh, she would falsely implicate me in fabricated cases, and Meenu, Shavi, and Bholi's daughter-in-law also quarrel and fight with me. Thereafter, I came to know that with the connivance and collusion of the aforesaid persons, Amritpal Singh, while living with me, continued to have physical relations with me and, during these two years, also consumed the earnings that I made from my work. Thereafter, on 21.09.2024, I submitted an application at Police Station Makboolpura, and on 25.09.2024, the aforesaid persons made me execute a compromise, as Amritpal Singh assured me that he would marry me. However, after that, Amritpal Singh did not marry me. Subsequently, I submitted an application before your good self, which was forwarded by your office to the Women sell, and on 09.10.2024, even there, Amritpal Singh, by again assuring me of marriage, made me execute a compromise. Thereafter, with the connivance of the aforesaid persons, on 17.10.2024, they intercepted me on the way, attempted to kill me, and assaulted me. With great difficulty, some nearby persons saved my life. Thereafter, I submitted an application at the nearby Police Station B-Division, and subsequently, due to the injuries sustained by me, I was admitted to the Civil Government Hospital. In this regard, on 24.10.2024, I again submitted an application before your goodself, which was forwarded by your office to the Women sell, Lahori Gate. However, no action or hearing was conducted by the police on my complaint. As the police have failed to take any action on my complaint, the aforesaid persons are continuously issuing threats to kill me and my family members. They stop me on the way whenever they wish and threaten to kill me. The aforesaid persons also state that the police cannot harm them in any manner, as police officers are their friends. There is a threat to the life and safety of myself and my family members from the aforesaid persons. In the event of any harm or loss, whether to life or property, the aforesaid persons shall be held responsible. In this regard, during the pendency of the application against the aforesaid persons at Police Women, Lahori Gate, Amritsar, due to the fear of registration of a criminal case, Amritpal Singh reached a settlement with me on 08.01.2025, and on 09.01.2025, Amritpal Singh solemnized marriage with me. At the time of the marriage, Baba Pankaj Nath Shergill, Sarvan Nath, Rakesh Nath, Kuljeet Maan, Jyoti, and other persons were present. However, immediately after solemnizing the marriage, Amritpal Singh, on some pretext, abandoned me and left. From the above, it is evident that Amritpal Singh, in connivance with the aforesaid persons, married me and immediately thereafter abandoned me on the way. He is presently residing in the house of Bholi and Meenu, who do not allow Amritpal Singh to come to my house and use abusive and indecent language against me. Therefore, it is humbly requested that my grievance be heard, and appropriate legal action be taken against the aforesaid persons to ensure that justice is



delivered to me. Your kind consideration in this matter shall be highly appreciated.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 32 years, has been falsely implicated in this case by the complainant-prosecutrix who is aged 45 years. In fact, the petitioner and the prosecutrix were in a consensual relationship. The petitioner and the complainant were working together and the complainant approached the petitioner seeking help in an FIR registered against her. When the two became well acquainted, the complainant started pressurizing and threatening the petitioner to solemnize marriage with her. In the said regard, the petitioner moved two complaints dated 22.11.2024 and 13.2.2025 against the complainant; however, upon the refusal of the petitioner to do the same, the present FIR was got lodged against him. It is also submitted that earlier also a dispute between the parties arose which was subsequently compromised on two occasions i.e. on 25.9.2024 and 09.10.2024. It has further been submitted that not only is there a 02 years delay in the registration of the FIR, but the provisions of Section 376 IPC are also not attracted, due to the fact that as per the own admission of the complainant, she had performed marriage with the petitioner on 09.1.2025. He further submits that the petitioner has undergone an actual custody of 08 months and 16 days 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. 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 08 months and 16 days. The learned State counsel, on instructions from ASI



Poonam Sharma, submits that in the present case, charges were framed on 16.12.2025 and out of total 14 prosecution witnesses, the victim has been partially 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, 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 16.12.2025. Yet, out of 14 cited prosecution witnesses, only the prosecutrix has been partially 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 08 months and 16 days. 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. 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.***



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

April 06th, 2026
Gurpreet Singh

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