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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M- 67702-2025 (O&M)
Date of Decision: 27.02.2026

MANI KUMAR

... PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. C.S. Rana, Advocate and
Mr. Amandeep Singh Maan, Advocate for the petitioner.
Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 123 dated 05.06.2023 under Sections 376 IPC and Section 4 and 6 of POCSO Act (Charges framed under Section 376 IPC and Section 4 of POCSO Act) registered at Police Station Haibowal, District Police Commissionerate, Ludhiana.

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

“Statement of xxx wife of Rajvir resident of House Number 836, street number 3, Durgapuri, Haibowal Kalan, Ludhiana at present resident of Manjit's da Vehra , street Number 1, Near Grocery store, Tandon Nagar, Haibowal Ludhiana. Age about 35 years, Mobile number 83607-72380. Stated that I have been living in a rented room at the above address with my family from the last 12



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years. I do cleaning work in people houses. My husband Rajveer used to work as Ironing Clothes and has been living with his parents in Durgapuri for the last 5-6 months. I have three children. My eldest son Akshay is about 16 years old. His younger daughter Anshika is about 14 years old and is studying in the seventh class at Government School PAU Ludhiana. His younger son Aman is about 11 years old and is studying in the seventh class at Government School PAU Ludhiana along with my daughter. On 04-06-2023 at around 06.30 PM, I had gone to Sarabjot Singh Gurdwara Sahib Jagat Nagar Ludhiana with my younger son Aman and my elder son Akshay had gone to the market to get his mobile repaired. My daughter xxx was alone in the room. When I returned at about 6:30 P.M, I saw that Mani Kumar son of Madan Paswan, who lived in the room next to us, came out of my room. I asked Mani Kumar, "Why did you come to do in my room?" He said, "I only came to repair cable of TV and went out in a panic. My daughter xxx, who was looking very scared and crying, I asked her the reason for crying. My daughter xxx told me while crying that when you had gone to the Gurudwara, after you left, my neighbour's boy Mani Kumar son of Madan Paswan, resident of village Antor, district Samastipur, Bihar, came into the room and started molesting me. Mani took off my clothes and also took off his clothes and lay on top of me and forcibly started doing wrong things with me and raped me. I was very scared and did not tell anyone about this fearing defamation. Today I have come to the police station to inform you. You should take necessary legal action against the above-mentioned Mani Kumar and get justice. I have written this statement in the presence of my father xxx, son of Chaub Singh, resident of House No. 33, Street No. 9, Sant Bihar



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Haibowal, Ludhiana, and I have heard that it is correct. Verified

Police line Ludhiana 05/06/23 Sd/-”

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner, aged 18 years, has been falsely implicated in the present case solely on the basis of the statement made by the mother of the prosecutrix, alleging commission of sexual assault upon the prosecutrix. It is contended that, as per the MLR, no external or internal injuries were found on any part of the body of the prosecutrix. Further, as per the report of the Central Forensic Science Laboratory (CFSL), no semen was detected on the vaginal swabs, nor was any male DNA profile recovered therefrom. In support of the aforesaid submissions, reliance is placed upon the MLR and the CFSL report annexed as Annexures P-4 and P-8, respectively. Learned counsel further submits that there is no direct evidence available on record to substantiate the allegations levelled against the petitioner. It is also submitted that the petitioner was arrested on 05.06.2023 and has undergone custody for a period of 02 years and 08 months and 21 days. The petitioner is stated to have clean antecedents and is not involved in any other criminal case.

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 02 years and 08 months and 21 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 29.03.2025 and out of a total of 14 prosecution



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witnesses, 04 has been examined. 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. Reverting to the case in hand, despite the charges having been framed on 29.03.2025, only 04 out of a total 14 prosecution witnesses have been examined till date. The petitioner has undergone actual custody of 02 years and 08 months and 21 days, and there is no other criminal case registered against him. Material witnesses stand examined. No forensic evidence has come on record to establish the alleged offence against the petitioner. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. 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 the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22**. A gainful reference can also 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. 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*



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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.

27.02.2026
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(KIRTI SINGH)
JUDGE

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