



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(146)

CRM-M-66551-2025 (O&M)
Date of Decision: 24.03.2026

JAGGA SINGH @ JAGPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Jigyasa Kharbanda, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. This is the second petition filed under Section 483 BNSS seeking grant of regular bail to the petitioner in case FIR No.52 dated 17.05.2024 under Sections 346 and 34 of IPC (Sections 363 and 366-A of IPC added later on), registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

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

“Statement of Surjeet Ram son of Hari Chand son of Kalu Ram, Resident of village Katore wala age about 42 years, mobile number 99146xxxxx. Stated that I am resident of above mentioned address and work as laborer. I got married 22 years ago with Mukti Bhai. I have two children, elder son is Ajay Kumar, who is working in Bank in Bathinda and younger daughter is xxxxxx who has passed class 12th this year and now stay at home. On 15.05.2024 at about 11.00 AM, I and my wife for some household work had gone to the village and my son Ajay Kumar had gone to attend his duty. My daughter xxxxx was alone at home. When I returned to my home at 11:30 AM, I found that my daughter xxxxx was not present in home. Then I tried to find out from neighbors, my brother Amrik Ram told me, that when



I was coming towards your home, then our daughter xxxxx was being taken away by three young man on motorcycle no. PB-53-B-3258. We were trying to find them at our own level, and now we have come to know that Jagga Singh @ Jagpreet Singh, son of Dilbag Singh, resident of Harjinder Nagar, Gali No. 4, near Cremation Ground, Malot has enticed my daughter xxxxxxx on pretext of marriage and is hiding her at some place. To hide my daughter, xxxxxx Jagga Singh @ Jagpreet Singh is being helped by Surinder Singh @ Billa son of Kulwant Singh, resident of backside Gandhi Pump, Panjpeer Tiba, Abohar unidentified person. I along with my brother Amrik Singh have come present in the police station and have got recorded our statement. Legal action be taken against them and justice be given to us. Statement has been recorded and has read it. Sd/- Surjeet Ram, LTI Amrik Singh near son of Chand, Hari and one resident of more Village Katorewala (brother) Mobile No. 98141xxxxxx. Attested Sd/- Satwant Singh ASI P.S. Sadar Malout dated 17.05.2024.”

3. Learned counsel for the petitioner *inter alia* submits that the 25 year old petitioner has been falsely implicated in the instant FIR on the statement of the father of the prosecutrix, wherein it was alleged that the petitioner along with his two accomplice had enticed his 17 year old daughter away on the pretext of marriage. It is submitted that the prosecutrix and the petitioner were in fact well acquainted with each other. It is the further submission that the prosecutrix in her statement recorded under Section 183 BNSS categorically admitted the fact that she had left the custody of her parents on her own wish, and that the petitioner did not do anything wrong to her; rather she unequivocally expressed her desire to solemnize marriage with the petitioner. Similar stand was taken by the prosecutrix in her testimony as a prosecution witness. There was no element of pressure or coercion at the end of the petitioner. It is submitted that since there was approval-of-fact though not consent-in-law in the present case, as per the own admission of the prosecutrix, and the age difference between the parties is also minimal, a lenient view may be taken towards the petitioner.

Moreover, the prosecutrix had even refused to get her medical examination



substantiate the allegations levelled against the petitioner, who has already undergone an actual custody of 1 year, 6 months and 22 days. There is no other 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 1 year, 6 months and 22 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 02.05.2025 and out of a total of 18 prosecution witnesses, one has been examined. 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. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the evidence, must take into consideration the nature of the offence, severity of the punishment and *prima facie*, the involvement of the accused and the material on record.

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 02.05.2025. Yet, only one out of 18 cited prosecution witnesses has 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 1 year, 6 months and 22 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case. Moreover, the prosecution stands examined before the learned trial Court, who has not supported the case of the prosecution.

9. 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.

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

(KIRTI SINGH)
JUDGE

March 24, 2026
ITHLESH

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