



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

(129)

CRM-M-67088-2025 (O&M)

Date of Decision: 17.3.2026

Deepak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. I.S.Dhaliwal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. Learned counsel for the petitioner submits that inadvertently, in the head note and prayer clause of the present petition, Sections 126-B(2) and 78-B of BNS have been wrongly mentioned instead of Sections 126(2) and 78 of BNS. Therefore, a prayer has been made that necessary corrections be ordered to be carried out in the head note and prayer clause of the petition.
2. Request is allowed as prayed for.
3. Registry is directed to carry out necessary corrections in the head note as well as prayer clause of the petition
4. 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. 69 dated 08.8.2025 under Sections 126(2), 74, 75 and 78 of BNS, 2023, registered at Police Station Malout, District Sri Muktsar Sahib.
5. The translated version of the FIR is reproduced below:-

*“Statement of xxxxxxx D/o Jasvir Singh S/o Mangal Singh R/o Burj
Sidhwan Police Station Kabarwala, age about 19 years, Mobile:*



84272-xxxxx. She stated that she is a resident of the above address. "I am studying in the Second Year of B.Sc. (IT) at Guru Nanak College, Fazilka Road, Village Malout. There was a Teean' program in our college, for which preparations were underway, and regular classes were not being held; only preparations for the cultural program were taking place. Deepak Singh S/o Hardev Singh R/o Bodiwala is also studying in my class at my college. He is my classmate. On 30.07.2025, I was present in my class at about 2:00 PM (afternoon) and was sitting on a chair. The aforementioned Deepak Singh was sitting on the chair behind me. He pushed my chair with his feet and started passing comments to me. I was surprised and stopped the aforementioned Deepak Singh from doing so, but he did not stop and intentionally kept kicking my chair repeatedly with his feet. When I became disturbed and started to leave the class, the aforementioned Deepak Singh grabbed my arm and stopped me. He pulled the chair and forcibly made me sit on the chair. He then sat on a chair in front of me and started touching my face with his hands. When I protested against this action of Deepak Singh, he immediately stood up on his chair and started slapping me, hitting me 4-5 times. He was removed by the students of my class. When I started to leave the class, crying, Deepak Singh followed me and kept chasing me. Wherever I went, the aforementioned Deepak Singh would follow me. In the evening, I came home at about 5:00 PM, and out of fear, I did not tell anyone about this. After that, I continued to go to college, but I did not tell anyone about this. Then I told my college Principal Ma'am about this, who wrote my application herself and said that she would talk to the 'Bade Sir' (Senior Sir) about it. Even after that, the aforementioned Deepak Singh continued to pass comments to me, and I became very distressed. I then told my parents about this whole incident, and I was coming with them to give my statement to you today, and we met you. I have given my statement to you and have heard it, it is correct."

6. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 19 years, has been falsely implicated in this case by the prosecutrix. It is submitted that there is no evidence that points towards the



complicity of the petitioner. Even the petitioner was not present at the place of occurrence. It is further submitted that the prosecutrix has been examined before the learned trial Court. However, she did not support the prosecution case and has turned hostile. Reliance in this regard has been placed on the the deposition of the prosecutrix (Annexure-A). He further submits that the petitioner has undergone an actual custody of 07 months and 07 days and there is no other criminal case registered against him.

7. *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 07 months and 07 days. The learned State counsel, on instructions from HC Jasmit Singh, submits that in the present case, charges were framed on 12.3.2026 and out of total 15 prosecution witnesses, 03 have been 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.

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

9. 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."*

10. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 12.3.2026. Yet, only 03 out of 15 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 07 months and 07 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

11. 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/her absconding or influencing the course of justice.

12. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that her release would impede the fair conduct of the trial. Moreover, it is noted that the material witness during the



course of her examination before the trial Court, did not support the prosecution version and has been declared hostile. While it is settled that the probative value of such testimony is a matter for appreciation at the stage of final adjudication of the case, yet, even while refraining from entering into any conclusive evaluation thereof, this factum cannot be completely overlooked. 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.***

13. 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.

14. 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.

15. 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.

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

(KIRTI SINGH)
JUDGE

March 17th, 2026
Gurpreet Singh

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