



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

(144)

CRM-M-68249-2025

Date of Decision: 12.03.2026

GOBIND SINGH ALIAS LAVI SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Imran Farooqi, 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. 44 dated 30.06.2024 under Sections 363, 366-A of IPC, 64(1) of BNS and Section 4 of POCSO Act, registered at Police Station Sandaur, District Malerkotla (Annexure P-1).

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

“Statement of xxxx wife of Gurpreet Singh, resident of Village Lohatbaddi, Police Station Raikot, District Ludhiana. Age: 34 years. Mobile No. 964660xxxx. Statement is as follows: I am a resident of the above-mentioned address and do household work. I have one son, Surinder Singh, aged 15 years, and an elder daughter named xxxx, aged about 17 years, whose date of birth is 19-07-2007. My daughter is a minor. My daughter passed her 10+1 class in the year 2023 from Government MDC Secondary School, Lohatbaddi. Presently, she was pursuing a computer course at Jhaner Road, Sandaur. On dated 20.06.2024, like every day, my daughter left home around 9:00 AM to attend the computer course at Sandaur. She usually returns from the computer course at Sandaur to the village by about 2:45 PM. However, on 20.06.2024, despite waiting until the evening, she did not return home. Then, regarding my daughter xxxx, I contacted her friend xxxx



daughter of Gurpreet Singh, who lives in my neighborhood and does the computer course with my daughter at Sandaur, on her mobile number 8464063390. She told me that today xxxx did not board the bus with us after the computer course; she remained standing at Bus Stand Sandaur. She has not returned home to date. We have searched for her among our relatives as well, but nothing has been found out about her. I have full belief that my daughter xxxx has been lured, enticed, and taken away by Lavi Singh son of Bhola Singh, resident of Village Kalyan, on dated 20.06.2024 on the pretext of marriage. Legal action should be taken against him. I have dictated my statement today, read it, and heard it; it is correct. SD/- (Signed) xxxx 30-06-2024"

3. Status report by way of affidavit of Manavjit Singh, PPS, Deputy Superintendent of Police, Sub-Division Malerkotla, District Malerkotla 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 21 years, has been falsely implicated in the present case on the statement made by the mother of the prosecutrix, alleging that the petitioner had enticed her minor daughter, aged 17 years, on the pretext of marriage. It is submitted that the petitioner and the prosecutrix were admittedly well-known to each other and were in constant contact on social media, as is the own admission of the prosecutrix in her statement recorded under Section 183 of BNSS. There is no cogent evidence on record to establish the alleged offences against the petitioner. Rather, both the complainant as well as the prosecutrix in their testimonies before the learned Trial Court, have not supported the case of the prosecution against the petitioner and have categorically denied the commission of abduction or sexual assault by him. Furthermore, they attributed the pregnancy of the prosecutrix to an untraced individual namely Ajay Kumar. Reliance in this regard is placed on the testimonies of complainant as well as prosecutrix annexed as Annexure P-3 & P-4



respectively. Learned counsel submits that the petitioner has already undergone an actual custody period of 01 year 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 01 year 03 months and 10 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 07.02.2025 and out of total 11 prosecution witnesses, 06 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. 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. In the present case, charges have been framed in relation to offence under Section 4 of the POCSO Act. In cases similar to the present one, factors which warrant consideration of the Court also include, but are not limited to the age of the prosecutrix and its difference from the age of the petitioner, so as to also determine the element of perversion; and the



arguments raised, particularly with respect to the contents of the statements made by the prosecutrix.

9. Before proceeding further, 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."

10. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 07.02.2025. 06 out of 11 cited prosecution witnesses have been examined. The petitioner has already remained in actual custody for a period of 01 year 03 months and 10 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 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 his release would impede the fair conduct of the trial. Moreover, it is noted that the material witnesses during the course of their examination before the trial Court, did not support the prosecution version and have 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 12, 2026
Ritika

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