



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

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CRM-M-70634-2025

Date of decision: 5th March, 2026

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pankaj Garg, Advocate and
Ms. Chahat Goyal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 19 dated 02.02.2025 registered under Sections 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Dhuri, District Sangrur.

2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant H.S. (name withheld) alleging therein that on the evening of 02.02.2025, he was present at his grocery shop, when his wife telephonically informed him that the present petitioner had taken their minor son A.S. (name withheld) along with him on the pretext of getting petrol filled in his motor bike from the petrol pump. His son came

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back after one and half hour and informed his mother that the petitioner instead of taking him to petrol pump, had taken him to one *katcha* path leading to drain of village Kanjla, had removed his lower clothing forcibly and had committed act of carnal intercourse against the order of nature. His son had started raising screams and then the petitioner had made him silent by offering money. He had also asked the victim to not to disclose about the incident to his family and offered more money. On hearing so, the complainant rushed to his house and took his son to the hospital, wherein the victim was medically examined. Anal swab of the victim was taken for the purpose of DNA profiling. After registration of FIR, investigation proceedings were initiated. The statement of the victim under Section 183 of BNSS had been recorded. The petitioner was arrested on 13.02.2025. He was also medically examined. His blood samples had been taken for the purpose of DNA profiling. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The complainant, his wife and victim have been examined and none of them has implicated the petitioner in commission of the subject offences. As stated by them, the victim had suffered a minor injury due to sitting on a needle and no act of aggravated penetrative sexual assault upon the victim had been committed by the petitioner. Trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. It is, thus, argued that the petition deserves to be allowed.

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4. *Per contra*, learned State counsel while relying upon the status report has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have committed the act of carnal intercourse against the order of nature/aggravated penetrative sexual assault upon the victim, on 02.02.2025. The petitioner has placed on record copies of sworn depositions recorded by the complainant, his wife as well as the victim and on a perusal of the same, it is revealed that neither of them implicated the petitioner in commission of subject offences and the stand as taken by them is that the victim sat on a needle on a chair due to which he had suffered minor injury in his anal region and was taken to hospital. On a perusal of the medico legal report of the victim, he had made complaint of pain in his anal region. No bleeding was found present there. There was no tear. A swab was taken and was sent to FSL. DNA report is still awaited. The petitioner is in custody since 02.02.2025. Taking into consideration the nature of the evidence which has come on record in the form of sworn depositions of the material witnesses, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that no fruitful purpose would be served by detaining him in custody anymore. It is well settled that pre-trial

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incarceration should not be a replica of post-conviction sentencing. As such, a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |