



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

(207)

**CRM-M-70298-2025
Date of Decision: 30.1.2026**

Balkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Baljinder Singh Singhvi, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. 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. 6 dated 04.2.2025 under Sections 137(2) and 96 of BNS, 2023, registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. The allegation against the petitioner is that he enticed away the prosecutrix, daughter of the complainant, on the false pretext of marriage.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is a 23 year old man, has been falsely implicated in this case.

It is submitted that there is no evidence that points towards the complicity of the petitioner. Moreover, no overt act has been attributed to the petitioner in the present FIR. It is also submitted that prosecutrix in her statement recorded under Section 183 of BNSS, 2023 has categorically stated that her father is a heavy drinker and used to beat her, due to which she had left her

house. In the said statement, the prosecutrix has not levelled any allegation



against the petitioner. He further submits that the petitioner has undergone an actual custody of 08 months and 13 days and there is no other criminal 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 08 months and 13 days. The learned State counsel, on instructions from ASI Iqbal Singh, submits that in the present case, charges were framed on 17.11.2025 and out of total 24 prosecution witnesses, none has 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.

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

6. Admittedly, the charges were framed on 17.11.2025 and the prosecution witnesses are yet to be examined. The petitioner has undergone actual custody of 08 months and 13 days, and there is no other criminal case registered against him. The prosecution in her statement recorded under Section 183 of BNSS, has not supported the prosecution version. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. 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



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.**

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 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.

(KIRTI SINGH)
JUDGE

January 30, 2026
Gurpreet Singh

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