



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

(117)

**CRM-M-70416-2025 (O&M)
Date of Decision: 05.05.2026**

SARABJIT SINGH @ LALA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yashjot Singh Dhaliwal, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. P.S. Paul, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.91 dated 22.12.2022 under Sections 363, 366, 376-A, 302, 201, 120-B and 34 of IPC and Sections 6 and 17 of POCSO Act, registered at Police Station City Kurali, District SAS Nagar.

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

“Copy of statement of Rajinder Singh son of Nikka Singh resident of village Lahori Police station Singh Sangatpura, District Roopnagar, aged 52 years mobile 62836xxxxx, stated that I am the resident of above-mentioned address and doing labour work. That I have three children, two boys and one girl child, my elder son namely Akashdeep Singh is aged 19 years next to him is my daughter. xxxxxx aged 17 years and youngest son is Mandeep Singh, all are school



going children, my daughter xxxxxx is studying in +2 class at senior secondary school for Girl at Kurali, as per school timing she used to attend her school. That on 21.12.2022, I was going Kurali for personal work therefore my daughter xxxxxxxx also accompanied me for her school. I left my daughter near to petrol pump situated opposite to her school about 9:40 AM then I left for my work, at evening when I return to my home, then my family member informed me that today xxxxxxxx has not come back from her school, thereafter at my own level, I tried to search her, but today, I came to know that Gursewak Singh son of Gurveer Singh of village Mullanpur Sodiyan, Police station Sadar Kurali, SAS Nagar has enticed my daughter therefore, I request to take legal action against Gursewak Singh, Today I was going to police station to inform the police but on the way I met yourself with your police party near Niholka road -over bridge of Kurali and I have recorded my statement and same was read over to me and I found correct, The statement by Sd Rajinder Singh endorsed by SD Avtar Singh ASI police station city Kurali dated 22.12.2022.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR, which was initially lodged on the statement of the father of the prosecutrix against one Gursewak Singh, on the allegation that he had enticed away the minor. It is submitted that the petitioner was not named in the FIR, but was subsequently nominated as an accused on the basis of the purported disclosure statement of the main accused. However, the said statement is hit by Section 27 of the Indian Evidence Act, and is not admissible as evidence. As such, there is no cogent evidence on record that points towards the complicity of the petitioner. Even otherwise, no allegation with respect to the offence under the POCSO Act has been levelled against the petitioner, who has been embroiled in the present case due to his acquaintance with the main accused. It is submitted that however unfortunate the death of the



victim is, there is no incriminating material to suggest that the same is attributable to any act or conduct of the petitioner. It is further pointed out that three similarly situated co-accused have been granted the concession of regular bail vide separate orders of even date i.e. 04.12.2025 passed in CRM-M-44408-2025, CRM-M-15732-2025 and CRM-M-31709-2025 respectively. He further submits that the petitioner, aged about 37 years, has already undergone an actual custody of 3 years, 4 months and 2 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 3 years, 4 months and 2 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges have been framed on 27.04.2023 and out of a total of 42 prosecution witnesses, 26 have been examined while 6 have been given up. 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. Reverting to the case in hand, it is borne out from the record that charges have been framed on 27.04.2023. Moreover, 26 out of 42 cited prosecution witnesses have been examined while 6 have been given up. The petitioner has already remained in actual custody for a period of 3 years, 4 months and 2 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. The petitioner was nominated as an accused on the basis of the disclosure statement of the main accused. The allegations against him are of assisting the main accused, against whom the allegations under POCSO Act have also been levelled, in disposing off the body of the deceased. 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, yet at this stage no glaring evidence



has come on record to corroborate the allegations levelled against the petitioner. Trite to say that 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.

9. 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***.

10. 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.

11. 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.

12. 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

May 05, 2026
Itihlesh

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