



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

(153)

CRM-M-71359-2025 (O&M)

Date of Decision: 24.03.2026

AAKASHDEEP SINGH ALIAS NIKKA SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Armaan Gagneja, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

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. 22 dated 22.04.2025, registered under Sections 137(2), 96, 61(2) of BNS (later on added Section 64 of BNS and Sections 3 & 4 of POCSO Act vide DDR No.15 dated 15.07.2025; Section 87 of BNS added and Section 96 of BNS deleted vide GD No.22 dated 05.09.2025), at Police Station Lakhewali, District Sri Muktsar Sahib.

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

“Statement of complainant Tarsem Singh son of Nachhatar Singh son of Jagnaam Singh resident of Village Chibbarawali, aged about 35 years, Mobile No. 62804-xxxxx, stated as under: "I am the resident of the above-stated address and I work as to a labourer. My marriage was solemnized about 16 years ago with xxxxx daughter of Gurcharan Singh resident of Wara Daraka, according customary rites. From this wedlock, 05 children were born, among whom the eldest is daughter xxxxxx aged about 14 years 08 months, then younger daughter xxxxxx aged about '13 years, then younger daughter xxxxxx aged about 12 years, then younger daughter xxxxxx aged about 08 years, and the youngest son is Shivdeep Singh aged about 05 years. All my children study in the Government School of our village. My eldest daughter xxxxxx was studying in 10th class in



Government High School, Chibbarawali, our village, and her date of birth is 31.08.2010. On 17.04.2025, my eldest daughter xxxxxx, as per routine, went from home to school at about 07:45 AM, but after the school was over, she did not return home. I kept on searching and inquiring along with my relatives and near ones. Now I am fully convinced that my daughter xxxxxxxx has been enticed away and allured into running away by Jashandeep Singh son of Nachhatar Singh alias Chhatti resident of Village Chibbarawali, on the pretext of marriage. I have also come to know that in abducting my daughter xxxxx along with the above said boy Jashandeep is complete there Singh, involvement of Nikka Singh son of Raja Singh resident of Chibbarawali, who has taken away both my daughter xxxxxxxx and the above said boy Jashandeep Singh on his motorcycle and is with them. Legal action be taken against above said Jashandeep Singh and Nikka Singh, and my daughter am xxxxxxxx be recovered. I producing before you the original Birth Certificate of my daughter in relation to her date of birth. Today, I along with Gurdev Singh Panch son of Daan Singh resident of Village Chibbarawali, have come present the Police Station at to give information regarding the aforesaid matter. Your goodself has recorded my statement, read over and explained the same to me, which I found correct. I am the complainant. Legal action be taken. Sd/- Tarsem Singh (Complainant) Attested Witness: Sd/- Gurdev Singh Panch son of Daan Singh resident of Village Chibbarawali Verified Sd/- Harnek Singh, ASI, Police Station Lakhewali Dated 22.04.2025”

3. Learned counsel for the petitioner submits that the petitioner, aged about 20 years, has been falsely implicated in the present case on the basis of a complaint lodged by the father of the prosecutrix, alleging therein that the petitioner had aided the main accused in enticing away his daughter on the pretext of marriage. It is contended that the ingredients of the alleged offences are not made out against the petitioner. The alleged offence, if any, is only attributable to the main accused. Moreover, even the prosecutrix in her statement recorded under Section 183 of BNSS, has not supported the case of the prosecution and has failed to attribute any incriminating role to the petitioner. Learned counsel further submits that there is no direct or cogent evidence available on record to substantiate the allegations leveled against the petitioner, who has already undergone an actual custody period



him. Four other co-accused have been granted the concession of bail by this Court vide respective orders passed in CRM-M-53367-2025, CRM-M-39753-2025, CRM-M-63173-2025 and CRM-M-51300-2025.

4. *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 08 months and 22 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 01.11.2025 and out of a total of 31 prosecution witnesses, 4 have been examined. He 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 came to be framed on 01.11.2025. Yet, only 4 out of 31 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 08 months and 22 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case. As per the report dated 10.03.202 received from learned AD&SJ-I-cum-Judge, Special Court-I, Sri Muktsar Sahib, despite issuance of service, the complainant and the victim are not coming forward to record their testimonies before the learned trial Court. Subsequently bailable warrants were issued against them for their appearance on 09.03.2026, still they did not turn up. Now non-bailable warrants of arrest have been issued against them for 03.04.2026.

8. 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.

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

March 24, 2026
Iti Kesh

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