



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(142) CRM-M-70910-2025 (O&M)
Date of Decision: 19.3.2026

RahulPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parminder Walia, Advocate
for the petitioner (through V.C.).

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Ritesh K. Sharma, Advocate
for respondent No. 2.

KIRTI SINGH, J. (ORAL)
CRM-12126-2026

The application is allowed as prayed for. Annexures P-4 and P-5 are taken on record.

CRM-M-70910-2025

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. 279 dated 07.12.2024 under Sections 137(2), 87 of BNS, 2023 and later on added Sections 64F BNS, 2023 and Section 5-J(ii), 5(L) and 6 of the POCSO Act, registered at Police Station Rama Mandi, District Jalandhar.
2. The facts in brief are that the complainant made a statement to the police alleging therein that on 02.12.2024 at about 5.30 P.M., her daughter, aged 15 years, had left the house without informing anybody. She

tried to search for her but could not locate her. Later on she came to know



that the present petitioner had enticed her daughter on the false pretext of marriage.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 20 years, has been falsely implicated in this case by the complainant, who is the mother of the prosecutrix. In fact, the petitioner was well known to the prosecutrix, whose age is a disputed question of fact. It is further submitted that a compromise has been effected between the parties on 14.11.2025, wherein it has been settled that the petitioner would soon perform marriage with the prosecutrix, which has been the desire of both the parties since the inception and would also keep and maintain the child. The parties, it is submitted, already have a child from their live-in relationship, and wish to live together as a happy family. It is further submitted that the material witnesses i.e. the complainant and the prosecutrix, have been examined before the learned trial Court. However, they did not support the prosecution case and have turned hostile. Reliance in this regard has been placed on their respective depositions (Annexure P-4 and P-5). He further submits that the petitioner has undergone an actual custody of 07 months and 06 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. He states that serious allegations have been levelled against the petitioner that he enticed away the prosecutrix, who was a minor, established physical relations with her. The prosecutrix became pregnant and delivered a male child, who is now aged 05 months. 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 07 months and 06 days. The learned State



that in the present case, charges were framed on 12.11.2025 and out of total 24 prosecution witnesses, 03 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.

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

6. In the present case, charges have been framed in relation to offence under Section 6 of the POCSO Act. In such cases, 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.

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 including the statement(s) of the prosecutrix/complainant.

8. 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."*

9. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 12.11.2025. Yet, only 03 out of 24 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 07 months and 06 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case. The families, as per the compromise admittedly effected, have agreed to get solemnized the marriage between the petitioner and the prosecutrix, as stated to be desired by them.

10. 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/her absconding or influencing the course of justice.

11. 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.***

12. 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.

13. 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.

14. 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.

15. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 19th, 2026
Gurpreet Singh

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