



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

(123)

CRM-M-71297-2025 (O&M)

Date of Decision: 09.04.2026

PARAMJIT SINGH @ SUNNY

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amrit Paul Nahar, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Japjit Singh Johal, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)**CRM-15551-2026**

The instant application has been filed for placing on record the relevant documents as Annexures P-5 to P-7.

For the reasons recorded in the application, the application is allowed. Annexures P-5 to P-7 are taken on record.

CRM-M-71297-2025

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 48 dated 11.03.2025 under Section 70(1), 351(2) of BNS, registered at Police Station Model Town, District Hoshiarpur.

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

“Statement of xxxxD/o Sh. Gurvinder Singh Dhillon R/o Anmol Nagar, Old Tanda Road, Hoshiarpur, age around 20 years. Stated that I am resident of the abovementioned address and am 10th pass. My father has retired from LIC Company and my mother is a government teacher. We are three sisters. My elder



sister is doing B-TECH Computer Science. I am hard of hearing ever since birth, in which connection my Disability Certificate is issued by Civil Hospital, Hoshiarpur. After passing 10th class, I had done 02 years course of Embroidery and Fashion Designer from ITI, Kacha Toba. Subsequently, I had started doing tailoring course from opposite Red Cross office, opposite P.S. Sadar. Alongside the course I had started learning the work of beauty Parlor at our Beauty Parlor in Shergarh. Shergarh Five Star Beauty Parlor, which is owned by my father, in which my mother has kept two girls namely xxxx and xxxx, for working. xxxx and xxxx had made my INSTAGRAM ID in the parlor and had told me about running INSTAGRAM. I had become known to Jaimal Sidhu R/o Amritsar on INSTAGRAM. Then Jaimal Sidhu had started message me on INSTAGRAM. On 26th February, 2025 Jaimal Sidhu had message me on INSTAGRAM that I have meet you on 27th February, 2025 at Jalandhar. I had told xxxx about the message received from Jaimal Sidhu about meeting and had said to xxxx that you have to go with me. But on 27th February 2025 when I had parked my scooter at xxxx's house and had asked to accompany me then xxxx had said that my husband Sunny will go with you and then Sunny had made me sit on his scooter and had taken to Jalandhar Bus Stand where Jaimal Sidhu was already standing waiting for us. Then all three of us had sat on scooter and had gone to a hotel where Jaimal Sidhu had got booked a room and then Jaimal Sidhu had taken me to the room. Sunny was outside the room only. Jaimal Sidhu had forcibly made physical relations with me without my consent in the room. I don't have any information about the hotel. After forcibly making physical relations with me, Jaimal Sidhu had gone out of the room and then Sunny had come inside and Sunny had also forcibly made physical relations with me and after making physical relations, he had made me sit on his scooter and had brought me to his house at Shergarh, Hoshiarpur. Sunny had threatened me that if you told about this to you family then I will kill you and your family. Due to which reason I had not told anything to my family. On 05.03.2025 Sunny had called me on phone that I have to meet you and make understand something. On which on the same day I had met me on the way. Sunny had parked my scooter on the side and he had made me sit in his vehicle and had taken me to some unknown place where Sunny had forcibly made physical relations with me. Due to my not attending the class at Red Cross Society, my madam had called up my brother on phone, then my mother had got suspicious about me. Due to which reason I had told everything that had happened with me to my mother. That today I along with my mother xxxx have come present at the police station. Appropriate legal action may be taken against Paramjit Singh alias Sunny S/o Parminder Singh R/o Village Shergarh P.S. Sadar, District Hoshiarpur and Jaimal Sidhu R/o Amritsar. I am getting written this statement in the presence of my mother. I have read statement, heard and found it to be correct. ”

3. Learned counsel for the petitioner submits that the petitioner, aged 26 years, has been falsely implicated in the present case on the basis of

the statement of the prosecutrix, alleging therein that the petitioner along with



co-accused Jaimal Sidhu, forcibly established physical relations with her. It is submitted that the prosecutrix was infact in a consensual relationship with the co-accused and had voluntarily accompanied the petitioner to Jalandhar to meet him. Furthermore, even the FIR in the present case has been registered after an unexplained delay of six days. It is further contended that the material witness has already been examined. Further, no cogent or reliable evidence has been brought on record to substantiate the allegations against the petitioner, who has already undergone an actual custody of 01 year and 25 days. Learned counsel further submits that a similarly situated co-accused, Jaimal Sidhu, has already been granted regular bail by this Hon'ble Court vide order dated 06.11.2025 passed in CRM-M-60888-2025.

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 01 year and 25 days. The learned State counsel, on instructions from ASI Balvir Singh, submits that in the present case, charges were framed on 31.07.2025 and out of total 25 prosecution witnesses, only 01 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. Before proceeding further, 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:



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 31.07.2025. Yet only 01, out of 25 cited prosecution witnesses has been examined till date. 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 01 year and 25 days.

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 witness i.e. the victim stands 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.

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

(KIRTI SINGH)
JUDGE

April 09, 2026

Ritika

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