



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

(148)

CRM-M-72729-2025 (O&M)

Date of Decision: 25.02.2026

GURSIMRANJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

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. 224 dated 18.10.2022 under Section 376 of IPC and Section 4 of POCSO Act (Section 376 of IPC and Section 4 of POCSO Act deleted and Sections 376-D, 363, 366-A & 201 of IPC and Section 6 of POCSO Act added lateron), registered at Police Station City, District Tarn Taran (Annexure P-1).

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

“Statement of xxxx daughter of Lada Singh @ Lakhbir Singh resident of village Bhaike Bhattal age about 13 years at present resident of Jasbir Singh son of Gurdeep Singh resident of Street No. 04, Mohalla Jaswant Singh, Tarn Taran Mob. No. 88474-30115. Stated that I am a resident of the aforementioned address and I and my mother xxxx used to do cleaning work in people's houses in Tarn Taran. On 14.10.2022 due to my mother being ill, I alone went to xxxx's house in Deep Avenue, Tarn Taran to do cleaning work. There were two unknown boys standing outside HS Salon, Deep Avenue who called me and said listen to us. I went to them and stood there. They feed their mobile number in my mother's phone bearing phone no. 76960-13541 and said that we will talk



to you on this phone. They kept talking to me from their mobile no. 62835-78600. On dated 16.10.2022 at around 11:45 AM I was going to Deep Avenue, Tarn Taran for work then that unknown boys said that you sit in our car and we will drop you home, on which they made me sit in their car and took me to a hotel in Amritsar, I do not remember the name of the hotel. They took off my clothes one by one and forcibly raped me without my consent and later left me near Gurdwara Lakir Sahib, Tarn Taran. I have told this whole thing to my mother xxxx. In this regard, I had given a written application at Sakhi-one centre Tarn Taran on Dated 17.10.2022. Today I along with my mother came present to Police Station to register a FIR against that unknown persons. Kindly take appropriate legal action against the unknown accused and justice be given to me. RTI/- xxxx, verified by RTI/- xxxx, verified by Narinder Kaur, INSP Police Station City Tarn Taran, dated 18.10.2022.”

3. Learned counsel for the petitioner contends that the petitioner, aged 28 years, has been falsely implicated in the present case solely on the basis of the statement of the prosecutrix, alleging commission of rape by the petitioner along with co-accused Rajwant Singh @ Suba with the prosecutrix. It is submitted that there is no cogent or reliable evidence, medical or otherwise, to substantiate the allegations leveled against the petitioner. It is further submitted that the prosecutrix has levelled similar allegations against two other persons in FIR No. 48 dated 23.06.2023, registered under Section 376 IPC and Section 4 of the POCSO Act at Police Station Chohla Sahib, District Tarn Taran (subsequently Sections 376(G)(2) IPC and 6 of the POCSO Act were added, and the offence under Section 4 POCSO Act was deleted), wherein both the persons have already been granted regular bail vide orders dated 05.08.2024 & 11.11.2024 in CRM-M-60713-2023 and CRM-M-50296-2024, respectively. Learned counsel further contends that the material witnesses, namely the prosecutrix and her mother, examined as PW-1 and PW-2 before the learned Trial Court, have not supported the prosecution case in their depositions, as reflected in Annexures



P-2 and P-3. Only three (albeit including the material witnesses i.e. the prosecutrix and her mother) out of 35 witnesses have been examined and the trial is likely to take considerable period of time. Learned counsel submits that the petitioner has already undergone an actual custody of 08 months and 18 days and has clean antecedents.

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 18 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 29.07.2025 and out of total 35 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. 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.

7. Reverting to the case in hand, it has been brought to the notice of this Court that subsequent to the present FIR, an identical complaint was filed by the prosecutrix against two different individuals, who have already been granted the concession of bail. Furthermore, despite the charges having



been framed on 29.07.2025, only 03 (albeit including the material witnesses i.e. the prosecutrix and her mother) out of total 35 prosecution witnesses have been examined till date. The petitioner has undergone actual custody of 08 months and 18 days and there is no other criminal case registered against him. The material witnesses i.e. the prosecutrix as well as her mother have not supported the case of the prosecution before the learned trial Court. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Keeping in view the fact that the conclusion of the trial will take a considerable time, therefore, 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 including the right to speedy trial, and is against the principle “Bail is a rule, 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.*

8. A gainful reference can also 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. 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.

10. 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.

11. 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.

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

(KIRTI SINGH)
JUDGE

February 25, 2026

Ritika

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