

2026:PHHC:047031



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-73387-2025

Maninder Singh @ Babbu
Versus
State of Punjab
...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	23.03.2026
2	The date when the judgment is pronounced	25.03.2026
3	The date when the judgment is uploaded on the website	25.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr.Vipin Mahajan, Senior Advocate with
Ms. Tejinder Kaur, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 157 dated 12.12.2024 registered under Sections 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) and Section 6 of the Protection of Children from

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Sexual Offences Act, at Police Station Division No.2, Pathankot, District Pathankot.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Bina Devi alleging that on 11.12.2024, her son 'K' (name withheld) i.e. the victim, had gone to get a kite from the shop of the petitioner at about 4-4:30 PM. He returned home at about 7:00 PM while crying and on asking, disclosed that the petitioner by alluring him to give kites, had taken him to his haveli wherein cattle were tied and by placing a weapon on his neck, committed act of sodomy with him. By alleging that her son had a lot of pain in his anal area and by further alleging that the petitioner had extended threats to her son, she prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The victim was medically examined. The petitioner was arrested on 12.12.2024. The DNA profiling of the blood of the petitioner and of the peri anal and anal swabs of the victim was done. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The victim stands examined. There are material inconsistencies in his statement showing that he was tutored by his mother to make deposition and also to involve the petitioner falsely. The complainant also stands examined. The DNA report has been received, as per which, no human semen was detected on the anal and peri anal swabs of the victim. No injury was found on the anal portion or any other part of the body of the victim.

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The petitioner is in custody since 12.12.2024. Trial will take considerable time to conclude as only 03 out of 16 prosecution witnesses have been examined so far. The complainant, who is mother of the victim, has herself admitted that she had lodged three FIRs under Section 376 of IPC against different persons and the accused in all those FIRs have been acquitted, which shows that she is habitual of involving other persons in such like cases. No useful purpose would be served by detaining the petitioner in custody anymore. With these broad submissions, it is urged that the petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have subjected the victim to the act of carnal intercourse against the order of nature i.e. sodomy. The victim and the complainant now stand examined. Copies of their sworn depositions have been placed on record and on a perusal of the sworn testimony of the victim, it has been revealed that he stated that he had made deposition in the Court as per the asking of his mother. The complainant is also shown to have admitted that she had lodged three FIRs making allegations of rape against different persons and the accused therein have been acquitted. The DNA report does

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not show that any semen was detected on anal or pre-anal swabs. No injury had been found on the person of the victim. The FIR was also lodged after a delay of one day. There are no chances of petitioner’s intimidating the material witnesses as they already stand examined. Trial will obviously take time to conclude. Taking into consideration the above discussed facts and the circumstances peculiar to the case, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |