



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

229

CRM-M-24496-2025(O&M)

Decided on : 29.05.2025

SATNAM SINGH ALIAS SAGAR

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPRESENT: Mr. Sartaj Singh Gill, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Akash Manocha, Advocate for complainant

KIRTI SINGH, J. (Oral)

This is the second petition under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.13 dated 12.03.2024 under Sections 376 and 506 IPC and Sections 6 and 17 of the POCSO Act, registered at Police Station Bholath, District Kapurthala.

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

“Statement of xxxx daughter of Buta Singh resident of Ramgarh Police Station Bholath District Kapurthala aged about 17 years, Mobile No.84274-11084, stated that I am resident of the above mentioned address and I have done studies of twelfth from Senior Secondary School Kartarpur. My date of birth is 01.06.2006. My father does laboring work, we are three sisters and a brother. Both my sisters are elder to me and my brother, is younger to me. Around one year ago, at the house of my neighbor (aunt/tai) Paramjit Kaur wife of Harjinder Singh, met Satnam Singh alias Sagar son of Davinder Singh resident of Ramgarh, with whom I got developed friendship. He use to say me always for getting marriage. In the month of July, Satnam Singh alias Sagar called me to his home for meeting. When, I went to the house of Satnam for meeting him, then, nobody was there at his home. He was alone in the house. There, he again talked about getting married. Satnam Singh alias Sagar, by giving me false excuse of getting married, without my consent, committed rape. me. After few days, again he called me at his home, where, again he committed rape on me. Satnam Singh alias Sagar has given me threat for not telling



to anybody that if you would tell anybody else about this, then, he would cause harm to my family due to which, out of scare from his threat, I have not talked to any of the family member. In the month of December, I got pain in my stomach, then, I came to know that I am pregnant. In regard to which, told everything to Satnam Singh alias Sagar, who said me to get abortion and he threatened me that do not talk about this in your home. Due to which, I have not talked at my home about this. In the month of February, out of danger, I have talked to my mother Gurpreet Kaur and told everything about Satnam Singh alias Sagar. Out of disgrace, my mother has not talked with anybody. On dated 09.03.2024, upon having pain in my stomach, my mother got me admitted to Baweja Hospital Jalandahr for treatment, where on dated 09.03.2024, in the night time, with major operation, a daughter took birth from me. Satnam Singh 21 alias Sagar above, by giving false excuses of getting marriage, has committed rape on me and this girl belong to Satnam Singh alias Sagar above. I am giving this statement in presence of my mother Gurpreet Kaur. A suitable legal action may be taken against Satnam Singh alias Sagar. Statement has been recorded, read, it is correct.”

3. Learned counsel for the petitioner inter alia submits that the petitioner is a young boy of 23 years and has been falsely implicated in this case on the allegation that he developed physical relations on the false pretext of marriage. He submits that the matter has been compromised between the petitioner and the complainant, who wish to solemnize marriage. In this regard, reliance is placed upon the affidavit dated 11.3.2025 (Annexure P2). Learned counsel has also placed on record the statement made by this victim before the learned trial Court wherein she has turned hostile. He further submits that the petitioner has undergone an actual custody of 01 year, 02 months and 12 days. He has clean antecedents and there is no other case registered against him.

4. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 02 months and 12 days and there is no other case registered against



him. He on instructions submits that charges were framed on 30.05.2024 and out of a total of 16 prosecution witnesses, only one witness i.e. the victim has been examined till date. It is not a disputed fact that the victim has turned hostile.

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

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 14.03.2024. The material witness i.e. the victim has turned hostile. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 16 prosecution witnesses cited, one stand examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. 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. 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

29.05.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No