

2025.PHHC:089414



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

Sr. No.223CRM-M-31559-2025 (O&M)
Date of decision : 21.07.2025

Ravinder Singh @ Neeta

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. S.P. Soi, Advocate and
Mr. Sahil Soi, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.4 dated 09.01.2025 under Sections 137(2) & 96 of BNS, 2023 and Section 64 of BNS and Section 4 & 6 of POCSO Act added later on, registered at Police Station Daba District Police Commissionerate Ludhiana.

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

“Stated that I am resident of aforesaid address and I am doing the work of shuttering. I was married about 27 years ago with Jyoti Rani resident of Village Saincha Hoshiarpur. I have two children. Out of which elder son namely Varinder Singh aged about 24 years and girl xxx aged about 17 years 9 months. That on 6-1-2025 at about 6:30 PM, went away from home who did not return home. We were in search of her till now. That now I have come to know that my girl xxxx aged about 17 years 9 months has been enticed away by Jasvir Singh alias Ajay son of Jagjit Singh r/o H. No. 1203 Rahon Road Jujhar Singh

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Nagar Basti Jodhewal Ludhiana. I have come to police station to inform you. Appropriate legal action may be taken against accused Jasvir Singh alias Ajay and my daughter xxxx may be found and I may be helped. I have got recorded my statement with you which has been read. Sd/- Ranbir Singh Attested Jyoti Rani Attested Gamdoor Singh ASI PS Daba Ludhiana Dated: 9-1-2025”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner was not named in the FIR, but has been nominated as an accused on the basis that his name surfaced in the supplementary statement of the prosecutrix. The sole allegation leveled against the petitioner is that he purportedly facilitated the main accused Jasvir Singh @ Ajay, who is nephew of the petitioner, in enticing away the prosecutrix by making them travel in his car. He further submits that the petitioner has undergone an actual custody of 03 months and 26 days and is not involved in any other criminal case.

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 03 months and 26 days and there is no other criminal case registered against him. She on instructions from ASI-Gamdoor Singh submits that challan has been presented on 20.05.2025. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 24.03.2025. Challan has been presented on 20.05.2025. The culpability of the petitioner in facilitating the enticement of the prosecutrix by the main accused, 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.

7. 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.

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(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.

8. 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.

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

(KIRTI SINGH)
JUDGE

21.07.2025

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No