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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-16187-2025(O&M)
Decided on: 03.04.2025

Lakhvir Singh @ Lakhi @ Lakhveer Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Sangram Singh Saron, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.101 dated 21.08.2024, under Sections 126(2), 74, 75, 78, 351(2) and 351(3) of BNS (Section 64 of BNS was added lateron) and Sections 6 and 12 of the POCSO Act, registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar, Punjab.

2. The contents of the aforesaid FIR are reproduced herein below:-

“Statement of Pallavi daughter of Navjinder Kumar, resident of near Sai Mandir, Rahon, P.S. Rahon, District Shaheed Bhagat Singh Nagar, aged about 17 years, mobile No.98783-43488. Stated that I am resident of above said address. I study in 12th class at Dr. Asa Nand School, Rahon Road, Nawanshahr. I had a friendly relationship with Lakhvir Singh alias Lakhi son of Manjit Singh, resident of Tajpur Mohalla, Rahon in the year 2021. Photographs of me and Lakhvir Singh alias Lakhi together of said period are with him. He got married about 02 years ago. After his marriage, I did not have any conversation with him. I have not been in touch with him.

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Now, he has been harassing me for some time and threatening me that if I do not have sexual relations with him, he will make my photos viral, which are with him and for the past several days, he has been secretly following me. I have not told anyone about this due to fear. Today on 21.08.2024 at about 02.30 PM, I was going to the market to collect a parcel from my house, when I went a little ahead of my house, then Lakhvir Singh alias Lakhi suddenly came from the opposite side, forcibly surrounded me and started doing obscene acts with me. I tried to run away from him. Then Lakhvir Singh alias Lakhi threatened me from behind to maintain relationship with him as previously and make physical relations with him otherwise he will make my photos viral. I am recording this statement in the presence of my mother Nirmal Kaur. Kindly initiate appropriate legal proceeding against Lakhvir Singh alias Lakhi son of Manjit Singh, resident of Tajpur Mohalla, Rahon. I got recorded my statement before you, heard it and the same is correct/Sd”

3. Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in the case on the statement of the prosecutrix. The false implication can also be deduced from the fact that it was admitted by the prosecutrix in her cross examination that she had refused to get herself medically examined before the registration of the case. Even otherwise, there is no evidence on record to indicate towards the complicity of the accused. Furthermore, there are discrepancies in the statements made by the prosecutrix. He submits that petitioner has undergone an actual custody of 07 months and 01 day and there is no other case registered against the petitioner.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate and reply in Court today and

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the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 07 months and 01 day. He on instructions from investigating officer submits that charges were framed on 18.12.2024 and out of total of 15 prosecution witnesses; 01 has been examined till date. He, however, 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 01.09.2024. Investigation is complete. 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 charges were framed on 18.12.2024 and out of total of 15 prosecution witnesses, only 01 has been examined. The victim has been examined. 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.**

7. Accordingly, 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).

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(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 she 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/her 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.

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

(KIRTI SINGH)
JUDGE

03.04.2025

Kapil

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No