



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

(230)

**CRM-M-33826-2025
Date of Decision: 11.8.2025**

Ravi Pal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 11 dated 02.4.2022 under Sections 363, 366-A, 34, 376 (2)(i) IPC and Section 6 of POCSO Act (offences under Sections 376(2)(i) IPC and Section 6 of POCSO Act were added later on), registered at Police Station Bholath District Kapurthala.

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

“Statement of Anjall Devi wife of Boku Rajjak resident of Itari P.S. Damdaha District Purnia State Bihar presently resident of tenant Amandeep Singh son of Harminder Singh resident of Bhogpur Bus Stop, Bholath District Kapurthala aged about 52 years mobile No. 73408-33923. Stated that I am resident of above address and do labour work and I have four daughters and one son. My three daughters are married and my son Pawan Rajak is living in village Itari, Bihar and my husband Boku Rajak has also gone to Itari, Bihar. On 25.03.2022 at about 8:00 AM I had gone for doing labour work at someone's house in Bholath and my



younger daughter xxxx (name withheld) was alone at the house. At about 12:00 PM when I returned to my home after doing labour then my daughter was not present at the house. The age of my daughter is about 12 years. She had earlier also told me that Ravi Pal son of Sodhi R/o Akhara used to harass her by saying that he wanted to marry her. I had also stopped Ravi pal from doing such acts. Till now I have been searching for my daughter but could not find her. I have full belief that my daughter xxxx (name withheld) has been taken away by Ravi Pal son of Sodhi R/o Akhara on the pretext of marriage alongwith his friend Santosh Singh son of Prahlad Singh R/o Pora P.S. Khargia State Bihar presently r/o Rajpura, Bholath. Legal action be taken against Ravi Pal and his friend Santosh Singh and my daughter be got recovered.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It is submitted that there is an unexplained delay of 07 days in lodging the present FIR. Moreover, there is no documentary evidence to corroborate the age of the prosecutrix. It has also been submitted that there is no medical evidence to substantiate the allegations levelled against the petitioner in the present FIR and even the FSL report has turned out to be inconclusive. Moreover, the complainant in the present case already stands examined. Learned counsel further submits that the petitioner has been in custody since 04.4.2022 and there is no other case registered against him.

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 03 years, 04 months and 06 days. He on instructions from the concerned investigating officer submits that charges in the present case were framed on



26.8.2022 and out of total of 13 prosecution witnesses, 04 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. Admittedly, the charges were framed on 26.8.2022 and out of total 13 prosecution witness, only 04 have been examined till date. The petitioner has undergone actual custody of 03 years, 04 months and 06 days, and there is no other criminal case registered against him. The complainant in the present case has been examined. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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.
- (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.

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

(KIRTI SINGH)
JUDGE

August 11, 2025
Gurpreet Singh

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