



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

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CRM-M-20129-2025

Date of decision : 09.07.2025

Kuldeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. Anup Singh, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.113 dated 30.09.2024 registered under Sections 137(2) & 96 of Bharatiya Nyaya Sanhita, 2023 (Sections 65(1), 127(2) & 351(3) of BNS and Section 6 of Protection of Children from Sexual Offence Act, 2012 were added later on) at Police Station Badhni Kalan, District Moga.

2. Short reply by way of an affidavit of Mr. Anwar Ali, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga, on behalf of the respondent-State, filed in the Registry is taken on record.

3. Brief facts of the case are that complainant-Kewal Singh made a complaint to the police stating therein that on 29.09.2024, he along with his family went to the house of his relative left behind his minor daughter in the house. At about 1:30 P.M. when he along with his family returned back home, he did not find his daughter in the house.

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He tried to search her but could not find her. On inquiry, he came to know that Kuldeep Singh son of Sohan Singh (the present petitioner) has enticed away his minor daughter on the pretext of performing marriage with her. On the basis of the said complaint, the instant FIR was registered under Sections 137(2) & 96 of BNS, 2023. On 02.10.2024, accused as well as victim girl were produced by Sohan Singh before the Investigating Officer. Thereafter, medical examination of the victim girl was got conducted and her statement under Section 164 of Cr.P.C. was also got recorded and on the basis of her statement, offences under Section 65(1), 127(2) & 351(3) of BNS, 2023 and Section 6 of POCSO Act, 2012 were added in the FIR vide DDR No.31 dated 04.10.2024.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The prosecution witnesses i.e. PW-1 victim, PW-2 father of the victim (complainant), PW-3 mother of the victim and PW-4 brother of the victim have not supported the case of the prosecution and have been declared hostile. He further submits that the petitioner is in custody since 02.10.2024 and he is not involved in any other case. He also submits that the investigation in the present case is complete; challan stands presented and out of total 17 prosecution witnesses, 12 have been examined so far. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

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5. Per contra, learned State counsel, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature as he has enticed away the victim girl, who is minor, from her house on the pretext of performing marriage with her and committed rape upon her. However, he could not refute the factual position that out of total 17 prosecution witnesses, 12 have been examined till date. He has also produced custody certificate dated 08.07.2025 which is taken on record. As per the custody certificate the petitioner is in custody for the last more than 09 months and he is not involved in any other case.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody period of the petitioner, which is 09 months and 04 day and the facts that PW-1 victim, PW-2 father of the victim (complainant), PW-3 mother of the victim and PW-4 brother of the victim have not supported the case of the prosecution and turned hostile; investigation in the present case has been completed, challan has been presented; charges have been framed and out of total 17 prosecution witnesses, 12 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.



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9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

09.07.2025

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No