



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

(208)

**CRM-M-43856-2025 (O&M)
Date of Decision: 26.9.2025**

Gurkirat Singh @ Kallu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Daljeet Singh Randhawa, Advocate for
Mr. A.S.Manaise, 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. 28 dated 02.4.2025 under Sections 137(2) and 87 of BNS (Section 351(2) of BNS added later on), registered at Police Station Rangar Nangal, Police District Batala District Guradaspur.

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

“Statement of Davinder Singh son of Balkar Singh resident of Jaito Sarja, Police Station Rangar Nangal, aged about 42 years, Mobile No. 99152-xxxxx. Stated that I am a resident of the above-mentioned address and working as a labourer. I got married about 21 years ago to Balwinder Kaur daughter of Mulkha Singh resident of Bham. We have two children from this marriage, a son namely Surinder Singh aged about 19 years and a younger daughter namely xxxxxx aged about 16 years who is studying in 10th class at Government Senior Secondary School, village Jaito Sarja. Her examination centre is at Government Senior Secondary School, village Chahal Kalan. She had an exam today. Today, I had gone to Batala



regarding my work. My wife Balwinder Kaur dropped our daughter xxxxxx at Chahal Kalan School at about 10:00 AM for her exam, which was scheduled to end at 2:00 PM. When my wife went to pick up Gurmeet Kaur at about 1:30 PM, the teachers informed her that today's exam was of only one hour and ended at 1:00 PM and all students had already left. When my wife went home to check, she found that xxxxxx had not returned home. She immediately called me and informed me about the situation. I came home right away and, along with other family members, searched for our daughter in nearby areas and with relatives, but we have not been able to find her yet. Now, I have come to know that Gurkirat Singh @ Kallu son of Sukhbir Singh @ Laddi resident of Jaito Sarja, enticed away my daughter xxxxxx by promising marriage and took her with him. I have been continuously trying to locate my daughter but have been unsuccessful. Therefore, my wife Balwinder Kaur and I have come to the police station to inform you. Legal action should be taken against Gurkirat Singh @ Kallu and my daughter should be recovered.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the complainant, and the allegation levelled against the petitioner, that he enticed the victim on the pretext of marriage, is false and baseless. In fact, the prosecutrix and the petitioner were having love affair. The prosecutrix, in her statement under Section 183 BNSS, also stated she has friendly relations with the petitioner. It has also been submitted that even the victim has refused to get herself medically examined. Learned counsel further submits that the petitioner has been in custody since 03.4.2025, 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. 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 05 months and 21 days. The learned State counsel, on instructions from ASI Harpinder Singh, submits that in the present case, challan was presented on 02.5.2025, and the charges are yet to be framed. She 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. Investigation in the instant case stands completed, whereafter challan was presented on 02.5.2025. The petitioner has undergone actual custody of 05 months and 21 days, and there is no other criminal case registered against him. The veracity of the allegations levelled 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

September 26, 2025
Gurpreet Singh

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