



CRM-M-29398-2025

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

(208)

CRM-M-29398-2025  
Date of Decision:-13.10.2025

Kuldeep

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Deepak Verma, Advocate  
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

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**ALOK JAIN, J. (Oral)**

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner, who is a young boy of 26 years, in case FIR No. 0026 dated 28.03.2025 under Sections 137(2) and 87 of BNS, 2023 registered at Police Station Phase 8, Mohali, District SAS Nagar (Annexure P-2) as well as in GDD No. 013 dated 06.04.2025 registered at Police Station Phase 8, Mohali, District SAS Nagar, wherein, Section 6 of POCSO Act, 2012 was added later on.

2. Learned counsel for the petitioner submits that, as per the Aadhaar Card (Annexure P-1), the prosecutrix was more than 18 years of age and had left her parental home on her own accord to join the company of the petitioner. It is further submitted that this fact was duly mentioned by the victim herself, who had refused to accompany her family and expressed her desire to stay with the petitioner on her own free will, claiming herself to be a major.



3. In light of the above, the rigours of the POCSO Act were ordered to be deleted and the matter was committed to a Magisterial trial. However, it is submitted that after the order dated 22.09.2025 was passed, by this Court, the challan was presented and the trial has again been committed to the Sessions Court, though the provisions of the POCSO Act have not been invoked.

4. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record. As per the same, the petitioner has been in custody for the last 6 months and 6 days as on 11.10.2025.

5. Heard learned counsel for the parties.

6. In view of the above and considering the fact that the age of the prosecutrix was approximately 17<sup>½</sup> to 18 years (the issue to be determined by the trial Court), coupled with the fact that the petitioner has been in custody for the last 6 months and the trial is likely to take considerable time, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in further custody. Accordingly, the petitioner is held entitled to the concession of regular bail.

7. Without commenting upon the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on bail if not required in any other case on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. The petitioner shall, however, be released on the following conditions:

- i The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will



be available in his absence.

- iii The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.

9. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

**(ALOK JAIN)**  
**JUDGE**

**October 13, 2025**

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