



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CRM-M-34896-2025(O&M)  
Decided on: 11.07.2025

Harchet Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

PRESENT: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

\*\*\*\*

**KIRTI SINGH, J. (Oral)**

1. 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.38 dated 27.02.2025, under Section 69 of BNS, registered at Police Station Talwandi Sabo, District Bathinda.

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

*“Statement of xxxxxx W/O Kalyan Singh S/o Ghuggar Singh R/o Atla Khurd District Mansa presently D/o Kaur Singh R/o Handaya Chowk Barnala presently tenant at near Railway Gate Bhucho Mandi age about 39 years M. No. 81466-39811 stated that I am resident of the above address. I was married to Kalyan Singh resident of Atla Khurd in the year 2001. We have 2 children, elder son Jashanpreet Singh age about 19 years and younger son Sehajpreet Singh age about 13 years. My husband was addicted to drugs, due to which our relationship started to deteriorate and in the year 2020 I started living with my mother Mohinder Kaur in Barnala and filed a case of maintenance against my husband Kalyan Singh in the Honorable Court Mansa. My two children live with my husband. I met Harchet Singh S/O Balwant Singh R/o village Kusla, district Mansa, in the year 2022, after which we started*



*talking on the phone, who took me into confidence and said that I am acquainted with the police officers and I will solve your case. Gradually, we became friends. Harchet Singh told me that I am still single and I will get you married until your case with your husband is resolved. By taking the promise of marriage and keeping me in confidence, Harchet Singh started having physical relations with me. I hoped and believed that he would not cheat me and would stay married to me. After that, I started living in a rented house near Mehna Chowk, Bathinda, two or three years ago. Wherever Harchet Singh started coming to my house and kept having relations with me by making the promise of marriage. In the year 2024, I came to know the truth about Harchet Singh that he is already married and has children. Then I insisted Harchet Singh to get married, he started threatening me, so I submitted his application to SSP Bathinda on 30.09.2024, which was marked to DSP City 01 Bathinda for investigation, but no action was taken, so I filed a complaint against Harchet Singh in the Honorable Court Bathinda regarding this issue, whose case number is COMI 453/2024, which case is pending for 04-04-2025 in Court No. 22. After submitting the application, my contact with Harchet Singh had decreased, but from January 2025, said Harchet Singh again called me and started taking me in confidence that I was ready for marriage. I got into his words and started talking. On 25-02-2025, Harchet Singh called me and called me to Talwandi Sabo that I have to sit and talk to the lawyer about the decision of the case. I came to Talwandi Sabo by bus from Bathinda, where Harchet Singh came to me from Khanda Chowk on his motorcycle at around 11.30 am and made me sit down and take me. On the way, Harchet Singh said that we should first sit down and discuss our opinions among ourselves. Then he took me to the Hotel Dream on Rori Road, where we sat in a room and started talking. During the conversation, Harchet Singh started forcing me, so I did not say anything, fearing my dishonor in the hotel, and Harchet Singh forced me to have sexual intercourse with me against my will. After that, at around 03.00 PM, Harchet Singh*



*dropped me back to Khanda Chowk, Talwandi Sabo. I was in a panic so I could not take any decision and went back to my house in Bhucho Mandi. After that, I talked to my lawyer and after talking, I was admitted to the Civil Hospital Talwandi Sabo yesterday on 26-02-2025. The above Harchet Singh also told me that he is on duty in the army, who had sexual relations with me on the pretext of marriage. I recorded my statement to you, heard and is correct. Action be taken. Sd/- Sukhpreet Kaur Sd/- Sarabjeet Kaur W/o Jagdev Singh S/o Maan Singh R/o Dadu Haryana presently tenant at Diarian Wali Gali, Talwandi Sabo M. No. 98159-87746 verified by Sd/ Jyotsana Sharma, ASI PS Talwandi Sabo (D) dated 27.02.2025.”*

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the statement of the complainant, alleging that the petitioner established physical relations with her on the false pretext of marriage. It is submitted that the complainant was well aware of the fact that the petitioner was a married man. In fact, even the complainant is a mature married woman, having two children, aged about 19 years and 13 years, though she is living separately from her husband and children. In such circumstances the question of false promise of marriage does not arise. The nature of the relation between the parties was consensual. It is the further submission that a similar complaint had been filed by the complainant on 27.09.2024, allegations in which were found to be false upon investigation. The petitioner has clean antecedents and he is in custody since 04 months and 12 days.

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 in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 04 months and 12 days. He on instructions from



CRM-M-34896-2025(O&M)

4

investigating officer submits that charges were framed on 06.06.2025 and out of a total of 27 prosecution witnesses 03 have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner 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 28.02.2025. 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 06.06.2025 and out of a total of 27 prosecution witnesses only 03 have been examined till date. 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).
- (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**

**11.07.2025**

*Kapil*

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