



CRM-M-21690-2024(O&amp;M)

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

107+217

**CRM-M-21690-2024(O&M)  
Decided on: 10.09.2025**

GURMEET SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

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

PRESENT: Mr. Abhaysher Singh, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

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**KIRTI SINGH, J. (Oral)****CRM-49929-2024**

The application is allowed as prayed for. Annexure P-6 is taken on record.

**CRM-M-21690-2024(O&M)**

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0067 dated 29.11.2023, under Sections 376-D of IPC and Section 6 of POCSO Act (Section 376 of IPC and Section 4 of POCSO Act and Section 458/365 of IPC added later on) registered at Police Station Amir Khas, District Fazilka.

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

*“Statement of xxxxx D/O Surinder Singh S/O Gurbachan Singh R/O xxxx, District Fazilka aged about 15 years. Mob. No. xxx. Stated that I am resident of above said address and is studying in class 11th privately. My mother's name is Saroj Rani, we are 3 sisters. I am the eldest and aged about 15 years, younger to me is xxx and youngest is xxx. Presently my mother is 5 months pregnant. House of Gurmeet Singh S/O Surjit Singh R/O Rahme Shah Bodla is in front of our house. Litigation is pending between both the families with regards to the passage. In this regard, we have also filed a case in the Learned Court. Due to this, an often quarrel used to take place between their and our family. On dated 24/25.11.2023,*



*at about 01:00 AM, I alongwith my mother woke up for passing urine. On that day, my father was not present at home, thus the main gate of house was open. When I alongwith my mother woke up for passing urine, 3 boys entered into our house, out of which one person was Gumeet Singh S/O Surjit Singh r/o Rehme Shah Badola alongwith his brother-in-law/jija Juj Singh S/O Harmesh Singh R/O Sher Singh Wala and third person was unknown. Upon seeing them, I alongwith my mother raised clamour. Then unknown person ran away from there. Above said Juj Singh S/O Harmesh Singh sniffed some intoxicant substance to my mother and she fell down in an unconscious state. In the mean time Gurmeet Singh also sniffed me some intoxicant substance, subsequently I also became unconscious. Thereafter, above said Gurmeet Singh and Juj Singh took me to some unknown place. There they have committed rape with me against my wishes. Gurmeet Singh and Juj Singh has committed wrongful acts with me at night against my wishes. Thereafter, when I regained conscious, I was lying in house of above said Gurmeet Singh, where they have recorded my video. Thereafter, they have dropped me in front of my house. After reaching home, I told everything to my family members and they have got me admitted at civil Hospital, Jalalabad for treatment. There lady doctor conducted my medical examination. Above said Gurmeet Singh S/O Surjit Singh R/O Rehme Shah Badola and his brother-in-law Juj Singh S/O Harmesh Singh R/O Sher Singh Wala has performed wrongful acts with me due to the grudge with regard to the passage. Appropriate legal action may kindly be taken against them. Statement has been recorded, read over and is correct.”*

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the statement of the prosecutrix. The foremost contention is that there was an unexplained delay of 04 days in the registration of the instant FIR, which has only been registered to settle scores with the petitioner since admittedly there is a dispute regarding right to passage between the families of the petitioner and the prosecutrix. In fact, similar allegations had also been levelled against the brother-in-law of the petitioner, who was found to be innocent by the investigating agency. There is also no incriminating evidence against the petitioner to tie him to the alleged occurrence. The petitioner, a young man of 20 years, has already undergone an actual custody of 01 year, 07 months and 10 days. There is no other case registered against him.



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 01 year, 07 months and 10 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 19.03.2024 and out of a total of 21 prosecution witnesses, only 06 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 23.01.2024. 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 19.03.2024 and out of a total of 21 prosecution witnesses, only 06 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**

**10.09.2025**

*Kavita*

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