



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

217

CRM-M-30003-2025(O&M)  
Decided on: 13.08.2025

SUKHDEV SINGH ALIAS SHUBH . . . Petitioner(s)

Versus

STATE OF PUNJAB . . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

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**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.15 dated 09.02.2024, under Sections 363, 366 IPC (Section 376 IPC and Sections 7 & 8 of POCSO Act added later on), registered at Police Station Kamboj, District Amritsar Rural.

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

*“Statement of Diwan Singh son of Santokh Singh, resident of Village Sohia Khurd, Police Station Kambo, District Amitsar, aged around 45 years, mobile No. 8427557059, made a statement that I am resident of the above said address, I do the work of labour. I have three children one daughter and two sons. My daughter xxx alias xxxx who is youngest of all whose date of birth is 01.06.2008. On 08.02.2024 at night time all of our family members slept in our house after having food. My daughter xxx also slept in the room of the house on the bed. Today morning at around 4.00 when I woke up and went inside the room then / saw my daughter xxx was not present in the room. I checked nearby in the house, however, I did not find my daughter xxx. I woke up all family members and started searching daughter xxx, however, we did not*



*come to know anything till now. All of us are looking for my daughter but we did not find her. Now I have come to know my daughter xxx has been enticed by one boy of our village namely Sukhdev Singh alias Subh son of Jaspal Singh under the pretext of performing marriage has taken her away. My daughter xxxx who is around 16 years, she is minor. Myself with my brother Jaswinder Singh have come present to inform you, action may be taken. ”*

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the father of the prosecutrix. It is submitted that there is no evidence on record to substantiate the allegations levelled against the petitioner. Even the medical examination of the prosecutrix was done after a considerable delay of more than 9 days, since she had initially refused to undergo the same. It is contended that the petitioner and the prosecutrix were well known to each other, and had even solemnized marriage on 09.02.2024, the factum of which can be seen from the photographs annexed at Annexure P-3, whereafter they filed a petition for protection of their life and liberty before the Court of Sessions Judge, Amritsar, as reflected in Annexure P-2. The petitioner is in custody since 13.03.2024, for a period of 01 year, 04 months and 30 days till date; and 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. She 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, 04 months and 30 days and there is no other case registered against him. She on instructions from ASI Rashpal Singh, submits that charges were framed on 12.07.2024 and out of total of 17 prosecution witnesses, 06 witnesses, including the prosecutrix and complainant, have been examined till date. She, 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 13.03.2024. 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 12.07.2024 and out of a total of 17 prosecution witnesses, only 06 witnesses, including the prosecutrix and complainant, 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**

**13.08.2025**

*Kavita*

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