



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

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**CRM-M-25044-2025(O&M)  
Decided on : 20.05.2025**

**GAURAV SINGH @ GAURAV**

. . . Petitioner(s)

Versus

**STATE OF PUNJAB**

. . . Respondent(s)

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

PRESENT: Ms. Navjot Kaur, Advocate for  
Mr. B.S.Bhalla, Advocate  
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

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

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.18 dated 11.02.2024 under Sections 363, 366, 376, 120-B of IPC and Section 6 of POCSO Act 2012 registered at Police Station Civil Lines, District Amritsar.

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

*“Statement of Jagjit Kumar son of Raj Kumar resident of Chota Haripura Islamabad, Amritsar aged around 38 years mobile no.xxxxx made a statement | am resident of above said address and I do labour work. Today, on 11.02.2024 I have come to police station. I got married in 2005 with Rajni daughter of Ashok Kumar resident of Chheharta, I have two children, elder daughter Akanksha whose date of birth is 26.08.2007 who is now 16 years 6 months old and younger son is Ranvir Singh and both are studying. My daughter xxx on 08.02.2024 in the morning at around 10.30 AM had gone for examination at BBK DAV College Lawer-ance road Amritsar. However, she did not return back. Till today I was searching for her on my own and looked for her at relatives places, however, I could not find her. Now I am sure that my daughter Akanksha has run away with Gaurav Singh alias Gaurav son of Mukhtiar Singh resident of Inderpuri street no. 8, Kot Khalsa Amritsar in connivance with his mother Manjit Kaur wife of Mukhtiar Singh, brother Sourav, Sister Priya by enticing her and with intention to*



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*marry her. I have made the statement. Against the above said accused appropriate legal action may be taken.”*

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case on the statement of the father of the prosecutrix. It is contended that the petitioner and the prosecutrix were in a consensual relationship, and that the prosecutrix had admitted before the trial Court that she had performed marriage with the petitioner herein. It is further submitted that mother of the petitioner has already been granted regular bail by this Court vide order dated 20.03.2025 in CRM-M-58318-2024. The petitioner was arrested on 29.02.2024 and has been in custody for a period of 01 year, 02 months and 20 days. He has clean antecedents and has no other criminal case registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He 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 01 year, 02 months and 20 days and there is no other case registered against him. He on instructions submits that charges were framed on 30.07.2024 and out of a total of 18 prosecution witnesses, five has been examined till date. He however, 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. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has undergone a period of 01 year, 02 months and 20 days and is not involved in any other criminal



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case. The material witnesses have been examined. Co-accused has been granted regular bail by this Court vide order dated 20.03.2025 in CRM-M-58318-2024. Investigation is complete. The final report under Section 173 Cr.P.C. has been presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her 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 her from disclosing such facts to the Court or to any police officer or tamper



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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.

Pending application(s), if any, also stands disposed of accordingly.

**(KIRTI SINGH)**  
**JUDGE**

**20.05.2025**

Kavita

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