



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

(223)

**CRM-M-38660-2025 (O&M)
Date of Decision: 24.9.2025**

Amritpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

CRM-38642-2025

The application is allowed as prayed for.

CRM-38643-2025

The application is allowed as prayed for. Annexure P-3 is taken on record.

CRM-M-38660-2025

1. 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. 53 dated 25.6.2024 under Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act 2012 and Section 67(A) of the Information Technology Act, registered at Police Station Rajasansi, District Amritsar Rural.

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

“Statement of xxxxxx daughter of Jasbir Singh resident of Krishna Nagar Chheharta presently residing at Bua Nangli District Amritsar



aged about 17 years and 6 months Mobile No.78889xxxx. Stated that I am the resident of the above-said address and I am studying in Class +2 at Government Senior Secondary School, Rajasansi. In the relations of my mother Rajwinder Kaur, a boy namely Amritpal Singh son of Santok Singh reside with his maternal uncle family and grandmother Joginder Kaur and maternal uncle Parkash Singh. Parents of Amritpal Singh resides at Portugal. With the consent of both the families on 01.06.2023, the engagement ceremony had taken place between me and Amritpal Singh. After the engagement Amritpal Singh started talking with me on phone and he also started telling me to meet and on certain occasions we used to meet at the house of Amritpal Singh. On 31.07.2023, received a phone call from Amritpal Singh who told me that we shall go and watch movie at Amritsar and thereafter, Amritpal Singh took me to Heir Guest House where he insisted to make physical relationship with me without my consent and I replied that first we should get married but Amritpal Singh kept on insisting and thereafter, he made physical relations with me and he also clicked objectionable photos from his phone. Thereafter, I and Amritpal Singh went to Amritsar to watch movie. Subsequently, Amritpal Singh kept on making physical relations with me repeatedly and in August 2023, the mother of Amritpal Singh namely Karamjit Kaur had undergone surgery in her leg due to which she came from Portugal to the village Heir. I along with my mother Rajwinder Kaur and brother Mandeepak Singh went to seek well-being of mother of Amritpal Singh where also Amritpal Singh had taken certain photographs with me. Whatever photographs were taken by Amritpal Singh on his phone, regarding the same only I and Amritpal Singh were aware. Thereafter, Amritpal Singh met me at Heir Guest House on various occasions. In December, 2023 the maternal uncle of Amritpal Singh namely Parkash Singh and his mother Karamjit Kaur made a phone call that the marriage of Komaljit Kaur and Amritpal Singh is not possible because their son is an alcoholic. Therefore, he will ruin the life of your girl. I made a phone call to Amritpal Singh but Amritpal Singh replied that we should talk only as friends and cannot marry. When the maternal uncle of Amritpal Singh namely Parkash Singh came to know that I and Amritpal Singh are talking on phone then in February 2024, maternal uncle Parkash Singh and



maternal grandmother Joginder Kaur of Amritpal Singh and their neighbors came to our house and told that they have come to break the engagement. I asked Amritpal Singh on phone then he replied that wherever his family members want, he would solemnize marriage only at that place. I and my family members requested maternal uncle Parkash Singh and maternal grandmother Joginder Kaur repeatedly but they did not heard us. When I called the parents of Amritpal Singh, they blocked my phone. On 18.06.2024, I saw my Instagram Id that whatever objectionable photos clicked my Amritpal Singh at his home, the same were only in my phone or in the phone of Amritpal Singh and regarding the same I and only Amritpal Singh had the knowledge the same were uploaded on the ID "Hotgirl" by Amritpal Singh wherein he had covered his own face with a smiley and concealed his identity and no smiley was put on my photos and in order to tarnish my reputation he had written certain objectionable words due to which my image. was ruined in the society as well as in the relatives. Regarding this, I did not tell anybody due to fear but today on 25.06.2024 I told my mother Rajwinder Kaur. Since, Amritpal Singh had made physical relations with me on the pretext of marriage and had also uploaded my objectionable photographs on the Instagram he has spoiled my image. I may be imparted justice and action may be taken against Amritpal Singh."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is a 21 years old young boy, has been falsely implicated in this case by the prosecutrix. There is a delay of more than six months in lodging the present FIR. In fact, petitioner and the prosecutrix were in a consensual relationship. The engagement ceremony of the petitioner and the prosecutrix took place on 01.6.2023. However, due to some temperamental differences, a dispute arose between the parties, leading to the break-up of their engagement. Therefore, due to the said fact and in order to settle the scores, the present FIR has been got lodged by the prosecutrix against the petitioner. He further submits that the petitioner has undergone an actual



custody of 01 year, 02 months and 27 days, and there is no other case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 27 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 25.9.2024, and out of total 13 prosecution witnesses, 02 have been examined till date. She 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. Admittedly, the charges were framed on 25.9.2024 and out of total 13 prosecution witness, only 02 have been examined till date. The petitioner has undergone actual custody of 01 year, 02 months and 27 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the 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. 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (vi) In addition, the petitioner shall not make any attempt to re-associate with the prosecutrix in any manner either through a device or in person.

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

September 24, 2025
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No