



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

Sr. No.216

**CRA-S-1727-2025 (O&M)
Date of decision : 26.05.2025**

GURSHARANJIT SINGH @ KARAN

..... Appellant

VERSUS

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amit Arora, Advocate for the appellant.

Ms. Aakanksha Gupta, AAG Punjab.

KIRTI SINGH, J. (Oral)

The present appeal has been filed for grant of regular bail to the appellant, by way of challenging the impugned order dated 06.05.2025 passed by learned Additional Sessions Judge, Tarn Taran vide which the application in FIR No.90 dated 25.05.2021 under Sections 376/376-E of IPC; Sections 4 & 6 of POCSO Act, 2012 and under Section 3 of SC/ST Act registered at Police Station Goindwal Sahib was dismissed.

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

“Statement of xxxx daughter of Mukhtar Singh, resident of Fatehabad, Police Station Goindwal Sahib, aged about 20 years. It is stated that I am resident of above mentioned address and my date of birth is 01.01.2001 and I am 6th Class passed. My parents have already expired and I am being taken care of by Balwinder Kaur who has taken me in adoption and raised me but at present she is not taking care of me. That Gursharanjit Singh alias Karan son of Pappu, resident of Fatehabad, Police Station Goindwal Sahib on pretext of getting marriage with me from last two years have develop illicit physical relationship with me (wrong doing) and kept on giving me false assurance of marriage and now he is not ready to solemnized marriage with me. That he on my left leg and arm has got his name "Karan" tattoo in English language. Thus, the legal action may kindly be taken against him. Statement has been got read over and same is admitted to be true.”



3. Learned counsel for the appellant *inter alia* submits that the appellant has been falsely implicated in the present case. It is further submitted that the prosecutrix has taken contradictory stand in her statement recorded before the investigating agency, and her statement recorded under Section 164 Cr.P.C. and that made as PW-3. The prosecutrix was a major on the date of the alleged incident and had developed physical relations with the appellant on her free will. Thus, no offence under Section 376 IPC is made out. It is further submitted that a bare perusal of the FIR clearly shows that no offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out against the appellant. Further, as per the medical report, there is no injury on the person of the complainant. The appellant has undergone an actual custody of 03 years, 11 months and 07 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 appellant. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the appellant has undergone actual custody of 03 years, 11 months and 07 days and there is no other case pending against him. She on instructions from ASI Guralp Singh, submits that charges were framed on 09.04.2021 and out of total 27 prosecution witnesses, only four have been examined. She however, submits that in view of the serious allegations against the appellant, 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 appellant is behind the bars since



18.06.2021. 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 out of 27 prosecution witnesses cited, only four stand examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/appellant. Keeping the appellant 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. Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. The Apex Court in “Abdul Rehman Antulay and others v. R.S. Nayak and another”, 1992(2) RCR (Criminal) 634 observed that Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present appeal is allowed and the appellant 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 appellant shall also abide by the following conditions:-

- (I) The appellant will not tamper with the evidence during the trial.



- (II) The appellant will not pressurize/intimidate the prosecution witness(s).
 - (III) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.
 - (IV) The appellant 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 appellant 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.
9. 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.
10. 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.

(KIRTI SINGH)
JUDGE

26.05.2025

Kavita

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No