



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

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**CRM-M-45306-2025(O&M)  
Decided on: 25.08.2025**

Kulwant Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

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

PRESENT: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

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

1. The jurisdiction of this Court has been invoked under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.11 dated 15.01.2024, under Sections 363 and 366-A IPC (Section 376(2)(n) IPC and Section 6 of POCSO Act added later on), registered at Police Station Tripuri Patiala, District Patiala.

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

*“Stated that I am resident of above mentioned address and labourer by profession. I am having 4 children. My eldest daughter, namely, xxxxx, aged 17 years as her date of birth is 25.09.2006 and was studying in 9th class at Government Senior Secondary School, Civil Lines, Patiala. That on 12.01.2024 at about 11.00 A.M., my daughter-Mohini went from home without disclosing anything to anyone. I tried to search her at my own level but till now my daughter-Mohini has not come back at home. Almost one year ago my daughter-xxxxx started talking with one boy, namely, Kulwant Singh S/ Suresh resident of our village Bahpur. We made our daughter- xxxx understand at our own level. Now after enquiring the same I came to know that above Kulwant Singh S/ Suresh, R/o Village Bahpur, Patti Pehladpur, P.S.*



*Bejoi, District Sambal (U.P.) now resident of Nalagarh, Himachal Pardesh has taken my daughter-xxxxx while alluring her on the pretext of solemnizing marriage with her. In this regard today I alongwith my wife-Usha came to the police station to inform the same and you have met me. My daughter-xxxxx may kindly be searched and an appropriate legal action may kindly be taken against the accused-Kulwant Singh S/ Suresh. I got recorded my statement, heard and the same is correct. LTI- Complainant-”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the father of the prosecutrix, on the allegation that the petitioner had enticed away his daughter on the pretext of solemnizing marriage. It is submitted that the instant FIR was registered after a delay of 3 days from the date of the alleged occurrence. Further, in the statement of the prosecutrix recorded under Section 164 Cr.P.C., before learned Judicial Magistrate Ist Class, Patiala, no allegation has been levelled against the petitioner; rather it was stated by the prosecutrix that she voluntarily went with the petitioner. It is the submission that even as per the MLR of the prosecutrix (Annexure P-3), no external injury was found on the person of the prosecutrix. Moreover, the prosecutrix and the complainant, in their deposition as prosecution witnesses before learned trial Court, did not support the case of the prosecution and were subsequently declared to be hostile. Learned counsel states that the petitioner is a 26 year old man of clean antecedents, and has been in custody since 28.02.2024.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. 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, 05 months and 26 days. He on instructions from the concerned investigating officer submits that challan stands presented and charges had been framed on 06.06.2024. He also submits that out of a total of 17 prosecution witnesses, only three have been examined till date. He 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 28.02.2024. Investigation is complete. The final report under Section 173 Cr.P.C. stands presented before the concerned Court. Trial of the case has not made much progress as out of 17 prosecution witnesses, only three witnesses have been examined so far. The prosecutrix and the complainant have turned hostile during the course of the trial. 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**

**25.08.2025**

*Kapil*

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