



CRM-M-28157-2024(O&amp;M)

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

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CRM-M-28157-2024(O&M)  
Decided on: 05.03.2025

Sharvan Ram

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

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

PRESENT: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

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**KIRTI SINGH, J. (Oral)****CRM-38361-2024**

The application is allowed as prayed for.

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This petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.37 dated 22.04.2023, under Sections 363 and 366 of IPC and Section 4 of POCSO Act, registered at Police Station Bhogpur, District Jalandhar Rural.

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

*“Copy of Statement, Statement of Smt. Manta wife of Salodh Ram, resident of Daulatpura, Khanpur, Dr. Sultana, police station Bathu Kalia, District Bagalpur, State of U.P. Bihar, presently residing as Tenant Milkha Singh Colony Road Bhogpur, Police station Bhogpur, District Jalandhar aged about 35 years, Mobile NO. 82889-62983 states that I am resident of above said address and doing the work of agriculture. I have six children two of them boys and four girls, my elder daughter namely as Aarti and eldest daughter named as Seema and eldest one namely Kanchan whose*



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*aged about 15/16 years and she is illiterate. I don't have any of her school certificates and I was not present in my house and in my absence that Sharvan Singh resident of Bihar whom earlier also usually visited in my house had enticed my minor daughter Kanchan. I had searched my daughter till date but I could not find my girl or Sharvan Singh. I do not know where did they go, my girl Kanchan about 3/4 days ago went with the Sharwan Singh whose Mobile No. 76865-30920. Statement given heard correct. I came with my Jeth (brother in law) Parmod Ram son of Suresh Ram, residing as Tenant at Narmia, Begowal, District Kapurthala, • RTI Mamta ITI Parmod Ram, attested by sd/- Inderjit Singh ASI police station Bhogpur, District Jalandhar”*

3. Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in this case. He contends that the prosecutrix had left her home at her own accord, which is evident from her statement recorded under Section 164 Cr.P.C. wherein she stated that she was not having cordial relations with her mother and had went to Bihar by train, where the police apprehended and brought back. He further submits that the prosecutrix even refused to get her medically examined and that there is no documentary evidence to determine the age of the victim. The petitioner has undergone an actual custody of 01 year, 10 months and 02 days 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 offence. He has filed custody certificate and reply in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 01 year, 10 months and 02 days. He on instructions from investigating officer submits that charges were framed on 13.06.2023 and out of total of 19 prosecution witnesses, 06 have been examined and 2 have given up. He, however, submits that in view of the



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serious allegations against the petitioner, she is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. A perusal of the case in hand transpires that the petitioner is behind the bars since 02.05.2023. 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 13.06.2023 and out of total of 19 prosecution witnesses, only 06 have been examined while 2 have given up. The material witnesses have been examined. 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 violate 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.



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(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**

**05.03.2025**

*Kapil*

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