



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

201

**Criminal Misc. No. M-1214 of 2025**

**Date of decision :-17.01.2025**

**Arshdeep Singh**

**.....Petitioner**

**Versus**

**State of Punjab**

**.....Respondent**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rituraj Singh, Advocate  
for the petitioner.

Mr. Manmeet Singh Teji, AAG Punjab.

**NIDHI GUPTA J. (Oral)**

Prayer in this petition filed under Section 483 Bharatiya  
Nagarik Suraksha Sanhita (B.N.S.S.) is for grant of regular bail to the  
petitioner in case FIR No.0100 dated 29.6.2023 (Annexure P-1) under  
Section 376 IPC and Section 4 of POCSO Act 2012 (Amended) 2019,  
registered at Police Station City Bhikhiwind, District Tarn Taran.

The present FIR has been registered on the basis of  
statement made by the prosecutrix, which reads as follows :-

*“..... I am resident of above noted address and I am  
studying in 9th class of Government Senior  
Secondary School, Kalsian Kalan. My mother  
Nimmo Kaur, my father Roshan Singh and  
grandfather Charan Singh are living in my house. I  
have two sisters namely Kirandeep Kaura and  
Sharandeep Kaur who are residing in Malaysia.  
Sandeep Kaur daughter of Raju Singh resident of  
Kalsian Kalan is doing the work of stitching clothes.*



*On 08.06.2023 I went to the house of Sandeep Kaur to give suit of me and my mother for stitching, where I was seen by brother of Sandeep Kaur namely Arshdeep Singh son of Raj Singh resident of Kalsian Kalan. Arshdeep Singh use to meet me in the street/passage and he told me for his friendship and marry to him. I refused him for the same. On 23.06.2023, I was alone in the house as my parents went for plantation of paddy crop and my grandfather also went out from the house for some work. At about 1.00-2.00 After noon, I was sleeping in the room of my house then Arashdeep Singh came to our house and when I heard some noise, then I got up and I told Arshdeep Singh that you go from here, but he did not agree for it and Arshdeep Singh has made physical relations with me against my wishes. After some time, my father came to our house and on looking my father, Arshdeep Singh ran away from our house, my father has tried to catch Arshdeep Singh but he could not catch him. I informed my father about said incident. Thereafter my mother came to home and I also informed my mother about this entire incident. Till date we did not disclose about it to save our image in the society but now we need justice. Therefore I along with my mother Nimmo Kaur came to the Police Station and got recorded my statement. Legal action be taken against Arshdeep Singh.”*

Learned counsel for the petitioner *inter alia* submits that as per the allegations made in the FIR, on 23.6.2023 the petitioner had entered into the house of the prosecutrix when she was alone and had committed rape upon her. Learned counsel for the petitioner firstly submits that there is delay in registration of the FIR as the date of the alleged incident is 23.6.2023; whereas the FIR has been registered on



29.6.2023. It is further submitted that even there is no medical evidence on record to implicate the petitioner with the alleged crime. Moreover, the material prosecution witnesses being the prosecutrix as PW3; father of the victim as PW2; and mother of the victim as PW1 in their testimonies have all turned hostile. The petitioner has been in custody for more than 1-½ years and accordingly learned counsel prays for grant of regular bail to the petitioner.

Notice of motion.

On asking of the Court, Mr. Manmeet Singh Teji, AAG Punjab accepts notice on behalf of respondent-State and opposes the prayer made on behalf of petitioner. Learned counsel for the State submits that at the time of the alleged incident the prosecutrix in the present case was minor being 14 years and 04 months old; whereas the petitioner was about 23 years old. It is further submitted that the prosecutrix in her statement under Section 164 Cr.P.C. has supported the prosecution case. It is, however, admitted that the above said prosecution witnesses i.e. the prosecutrix, her mother and father in their testimonies recorded before the learned trial Court have turned hostile; and that no semen was detected on the samples submitted by the prosecutrix. Learned State counsel, on instructions, further informs that out of total 15 prosecution witnesses, 06 witnesses have been examined so far and 09 prosecution witnesses remain to be examined; and the next date of hearing before the learned trial Court is 20.1.2025 for recording of testimonies of the remaining prosecution witnesses. Learned State counsel has filed the Custody Certificate dated 16.1.2025 in Court. The same is taken on record. Copy thereof is supplied to the counsel



opposite. As per the Custody Certificate, the petitioner has undergone the actual custody of 01 year, 06 months and 16 days as undertrial.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including: a) the custody period of 01 year, 06 months and 16 days undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; c) material witnesses i.e. the prosecutrix, her mother and father have already been examined; and d) out of total 15 witnesses, 06 witnesses have been examined so far, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner.

Thus, the present petition is **allowed**.

The petitioner-Arshdeep Singh s/o Raj Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending application, if any, stands disposed of.

January 17, 2025  
Vijay Asija

( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes / No  
Whether Reportable Yes / No