



CRM-M-29607-2025(O&M)

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

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**CRM-M-29607-2025(O&M)
Decided on: 01.07.2025**

Neha

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ravi Rana, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.7 dated 03.02.2025, under Sections 137(2), 87, 61(2) of BNS, registered at Police Station Purana Shalla District Gurdaspur.

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

“Statement of Ramesh Masih Son of James Masih resident of Nawan Pind Bahadur PS Puarana Shalla aged About 46 Years Phone No 9780xxxx, stated that I am resident of above mentioned address and am a labourer. My daughter xxxxx whose date of birth is 28.02.2008, studies in Ugokey Public High School in 12th class at Nawa Shalla. On 01.02.2025, my daughter had gone to school at around 9:00 AM to study but she did not come back home. My daughter xxxxx classmate Ribekah D/o Pawan Masih R/o Nawa Pind told us that on 01.02.2025 at 12:40 PM school was over then a girl Neha D/o Jang R/o Nehra called her near the school gate and took xxxxx with her. I am much sure that said Neha has abducted my daughter xxxxx with the intention to get her forcibly married with her brother Akash. I and my relatives have been searching for my daughter at our level So far but



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could not find any information. I also tell to you that about 20 days ago, said Akash and her parents came to my house for getting engaged my daughter xxxxx but I refused. Appropriate legal action be taken against them. Statement has been read over and heard. Sd/- Ramesh Masih verified by Jagdish Singh ASI, Police Station Purana Shalla, Dated 03.02.2025.”

3. Learned counsel for the petitioner submits that the petitioner is a married woman aged 22 years, who has been falsely implicated in the present case being the sister of the main accused. The daughter of the complainant was in a relationship with Akash, who is the brother of the petitioner, with whom she allegedly ran away. Learned counsel further submits that petitioner had no knowledge about any of this. She is in custody since 04 months and 14 days and there is no other case registered against her.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 04 months and 14 days. She on instructions from ASI Manjit Singh- investigating officer submits that charges were framed on 05.06.2025 and none of the prosecution witness has been examined till date. She, however, submits that in view of the 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 16.02.2025 and has no other case



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registered against her. 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 05.06.2025 and none of the prosecution witness has 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 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 her 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 she 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



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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

01.07.2025

Kapil

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