



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

(111+221)

**CRM-M-33468-2025 (O&M)  
Date of Decision: 24.9.2025**

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Parminder Singh Sekhon, Advocate  
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

\*\*\*\*

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

**CRM-26760-2025**

The application is allowed as prayed for. Annexures A-1 and A-2 are taken on record.

**CRM-M-38660-2025**

1. This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 72 dated 29.6.2024 under Section 354 IPC and Section 12 of the Protection of Children from Sexual Offences Act 2012 (Amended in the year 2019), registered at Police Station Amargarh, District Malerkotla.

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

*“Statement of victim xxxxx daughter of Lakhwinder Singh resident of Bagrian, PS Amargarh, aged about 12 years, Mob. No. 98722-xxxxx: "Stated that I am a resident of above-said address. I study in 06th class at Government School Bagrian. Yesterday on 27-06-2024 at around 10 o'clock in the morning, my grandmother Paramjit Kaur had sent me to Avtar Singh's shop to get the kiriyana of the*



*house. When I reached Avtar Singh's shop, I saw that Avtar Singh was in a drunken state. He forcefully pulled me inside the shop and he did wrong acts with my private parts. Then she freed herself from the said Avtar Singh and ran to her house and after coming home, told her grandmother Paramjit Kaur about the whole thing. Today, I am feeling nauseous because of yesterday's incident, so my grandmother Paramjit Kaur has got me admitted to Civil Hospital Malerkotla, where I am under treatment. I have got my statement recorded to you, you have read it to me. It is correct. Kindly take action.”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the victim at the behest of her family members, who are involved in a number of criminal cases. It is submitted that the petitioner is running a grocery shop, and the family of the victim used to purchase household items from his shop on credit basis. When they refused to pay the due amount, the petitioner gave the information to the police regarding their involvement in the criminal cases. Due to the said reason, the present FIR has been got registered against the petitioner by levelling false allegations. In fact, there is a delay of 02 days in lodging the present FIR. The material witnesses in the instant case have been examined before the learned trial Court. He further submits that the petitioner has undergone an actual custody of 01 year, 02 months and 24 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 petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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, 02 months and 24 days. The learned State counsel, on instructions from ASI Sukhwinder Singh, submits that in the present case, charges were



framed on 07.9.2024, and out of total 16 prosecution witnesses, 06 have been examined till date. She 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. Admittedly, the charges were framed on 07.9.2024 and out of total 16 prosecution witness, only 06 have been examined till date. The petitioner has undergone actual custody of 01 year, 02 months and 24 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the 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. Without commenting anything on the merits of the case, lest it may prejudice the trial, 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 he 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (vi) In addition, the petitioner shall not make any attempt to re-associate with the prosecutrix in any manner either through a device or in person.

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**

**September 24, 2025**  
**Gurpreet Singh**

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