



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-36834-2025(O&M)
Decided on: 13.08.2025

AJAY

. . . Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Anil Kumar Spehia, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

Ms. Himani, Advocate for respondent No.3.

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.0053 dated 29.03.2025, under Sections 64, 89,351(2) of BNS, 2023 and Section 6 of POCSO Act, registered at Police Station Kartarpur, District Jalandhar Rural.
2. The contents of the aforesaid FIR are reproduced herein below:-

“Statement of Rimpi wife Om Parkash, resident of Mohalla Sudheria, Dayalpur Gate Kartarpur Police Station Kartarpur District Jalandhar Rural Age about 39 years Mobile number 99887-84542 has stated that I am residing at above said address with my family for about three years. Before this, I used to reside at my parental home village Aula Jogi Police Station Sadar District Kapurthala. I am a housewife and do cleaning works at the houses of people. My husband Om Parkash works as a laborer. I have three children, my elder daughter Deepka is married and the younger daughter whose fictitious name is XX who is studying in the eighth class at Senior Secondary School Kartarpur whose date of birth is 04-05-2007. The youngest son Vicky is about 16 years old and studies in the seventh standard. When my husband Om Parkash and I used to go to our respective work during the day, my younger daughter XX and my son Vicky would be alone at home. Ajay son Late Sarwan Kumar, a resident of Mohalla Ramgarhia Kartarpur, lives near our house and is about 27 years old. Who works as a laborer with Halwai and



mostly stayed at his house. After my husband and I went to work, Ajay used to take my minor daughter XX in his house on the pretext of getting her married. He kept raping my minor daughter for about 4/5 months without her consent. By doing this to my daughter, Ajay got my daughter pregnant of about 2/3 months. When Ajay came to know about this, he gave my daughter a pregnancy kit for abortion about 10 days ago without her consent. Since there was no miscarriage, then on 23-03-2025, the pregnancy kit was brought by Ajay and he told my daughter to keep it inside her private part which will cause miscarriage. My daughter came into Ajay's talks and kept that medicine inside her due to which my daughter started bleeding a lot due to which my daughter's health deteriorated a lot late at night. On which my husband and I got admitted our daughter to Civil Hospital on the morning 24-03-2025 where my daughter was admitted for a day. Then we took our daughter to our house after she recovered somewhat. Ajay had threatened my daughter not to tell anyone about this which my daughter did not tell us anything about this before. When my husband and I asked our daughter lovingly, she told the whole incident in detail with us. An appropriate legal action should be taken against Ajay."

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of the complaint lodged by the mother of the prosecutrix. There is no evidence to indicate towards the complicity of the accused, and the necessary ingredients required to be met in the offences purported to have been committed by the petitioner are not fulfilled in the instant case. In fact, the prosecutrix and the complainant have also not supported the case of the prosecution before the learned trial Court. It is submitted that the now, both the families have decided to solemnize marriage between the petitioner and respondent No.3. The petitioner is in custody since 01.04.2025, for a period of 04 months and 11 days till date; and there is no other case registered against him.

4. Learned counsel for respondent No.3 has not controverted the submissions made by learned counsel for the petitioner.

5. *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 11 days and there is no other case registered against him. She on instructions from ASI Manjot Singh, submits that charges were framed on 28.05.2025 and out of total of 14 prosecution witnesses, 03 witnesses, including prosecutrix and complainant, have been examined till date. She, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

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

7. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 01.04.2025. 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 28.05.2025 and out of a total of 14 prosecution witnesses, 03 material witnesses have been examined till date. The prosecutrix and complainant have resiled from their previous statements in their deposition before the learned trial Court. 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.**

8. 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.

9. 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.

10. 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.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

13.08.2025
Kavita

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