



210

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

**CRM-M-4311-2025
Date of decision: 28.05.2025**

PRABHJOT SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anil Kumar Spehia, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.14 dated 15.03.2022, under Sections 363, 366-A of the IPC (Section 376 of the IPC and Section 4 of POCSO Act added later on), registered at Police Station Kabirpur (Ahalikalan), District Kapurthala, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 3 years and 2 months and 13 prosecution witnesses out of total cited 24 prosecution witnesses have been examined including all the material witnesses and the prosecutrix. He further submitted that as per the prosecution, the age of the prosecutrix was about 17 years and as per the allegations, the petitioner had enticed away the daughter of the complainant. He further submitted that thereafter, the medical of the prosecutrix was conducted and the



report of the DNA has come, which has not matched with the petitioner. He also submitted that be that as it may, it is a case where the petitioner has already faced incarceration for 3 years and 2 months and considering the stage of the trial, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Karunesh Kaushal, AAG, Punjab submitted that it is correct that the petitioner is in custody for 3 years and 2 months and it is also correct that 13 prosecution witnesses out of total cited 24 prosecution witnesses have been examined including all the material witnesses and the prosecutrix and the DNA report has not matched with the petitioner. He has however submitted that the allegations against the petitioner were serious in nature.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody for 3 years and 2 months and as per the learned counsels for the parties, 13 prosecution witnesses out of total cited 24 prosecution witnesses have been examined including all the material witnesses and the prosecutrix. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. So far as respondent No.2-complainant is concerned, notice was issued to her and she was served but none has appeared on her behalf.

7. Therefore, considering the aforesaid totality and circumstances of the present case especially the long custody of the petitioner as aforesaid and the stage of the trial, this Court deems it fit and proper to grant regular bail to the petitioner.



8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

28.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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