



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

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CRM-M-65241-2024
Date of decision : 12.05.2025

Jaspal SinghPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Fateh Singh Bhullar, Advocate for the petitioner.

Mr. Anup Singh, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.11 dated 25.01.2023 registered under Sections 363 & 366-A of Indian Penal Code, 1860 (Sections 323 & 376 of IPC and Section 4 of Protection of Children from Sexual Offence Act, 2012 were added later on) registered at Police Station Bhikhiwind, District Tarn Taran.

2. Short reply by way of an affidavit of Sh. Preetinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Valtoha, Camp at Bhikhiwind, District Tarn Tarn, on behalf of the respondent-State has been filed in the Registry which is taken on record. As per para 11 of the said reply, the complainant has been informed about the pendency and date fixed in the present petition. However, there is no representation on behalf of the complainant.

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3. Brief facts of the case are that on 25.01.2023, complainant-Sukhwinder Singh made a statement before the police stating therein that he is having four children. His daughter, whose date of birth is 20.09.2006, studying in 12th class at Govt. School, Bhikhiwind. On 19.01.2023, his daughter went to school but she did not return back. He tried to trace her but did not find her. Thereafter, he came to know that Jaspal Singh (the present petitioner) son of Balwinder Singh had enticed away his daughter on the pretext of marrying with her. On the basis of the said statement, the instant FIR was registered under Sections 363 & 366-A of IPC. During investigation, the complainant had produced her daughter before the Investigating Officer on 13.04.2023. Thereafter, she was got medically examined and her statement under Section 164 of Cr.P.C. was recorded, wherein she stated that Jaspal Singh had kidnapped her and taken her to Amritsar. From Amritsar, she was taken to Badowal, Ludhiana. He kept her confined in a room and gave beatings to her and forcibly committed rape upon her against her consent. On 12.04.2023, she gained courage and managed to make a call to her father from the mobile of Jaspal Singh. Thereafter, her father rescued her. On the basis of the said statement of the prosecutrix, Sections 323 & 376 of IPC and Section 4 of POCSO Act were added in the instant FIR vide DDR No.34 dated 13.04.2023 and the petitioner was arrested on 16.04.2023.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that there is a delay of 06 days in the lodging of the



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FIR. He submits that the prosecutrix, who has been examined before the Trial Court as PW-2, has not supported the case of the prosecution and has resiled from her earlier statement given to the police. To the same effect is the statements of PW-3 complainant-father of the prosecutrix, and PW-4 uncle of the prosecutrix. He submits that the petitioner is in custody since 16.04.2023 and he is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 prosecution witnesses, only 06 have been examined so far. He further submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

5. On the other hand, learned State counsel, while referring to the short reply, has vehemently opposed the grant of regular bail to the petitioner on the ground that the petitioner had committed rape with the prosecutrix, who was less than 17 years of age at the time of incident. However, he conceded the fact that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 prosecution witnesses, 06 have been examined. He has also filed custody certificate dated 11.05.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 02 years and he is not involved in any other case.

6. I have heard learned counsel for the parties and perused the record.

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7. Keeping in view the custody period of the petitioner, which is 02 years and 24 days and the facts that the prosecutrix, complainant, who is father of the prosecutrix and her uncle have not supported the case of the prosecution in their statements recorded before the Trial Court; investigation is complete; challan has been presented; charges have been framed; out of total 14 prosecution witnesses, only 06 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

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.

12.05.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No