



CRM-M-37760-2025

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

(211)

CRM-M-37760-2025.
Date of Decision:-08.10.2025.

Bukan alias Sanju

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Manpreet Singh Bhatti, Mr. Balwinder Singh and
Ms. Manisha Sharma, Advocates for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail to the petitioner in FIR No.91 dated 10.04.2025 under Sections 64, 96, 137(2) and 351(3) of BNS, 2023 and Section 4 of the POCSO Act, 2012, registered at Police Station Dera Bassi District SAS Nagar (Annexure P-1).
2. Custody certificate filed by the learned State counsel is taken on record.
3. In furtherance to the order dated 08.09.2025, learned State counsel submits that although he does not have a copy of the testimony of the complainant and the victim, however, he has been informed by ASI Surinder Singh, that both the complainant and victim have turned hostile.



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Learned State counsel further submits that the victim is aged more than 17 years, however, at this stage, learned counsel for the petitioner submits that as per the report of ossification test, the victim has been found to be between 16 to more than 18 years old and, hence, the provisions of Section 4 of the POCSO Act, 2012 are not attracted.

4. Heard the learned counsel for the parties.

5. All the above issues are a matter of trial and the petitioner is in custody from the last 05 months and 21 days as per the custody certificate and the fact that the testimony of the complainant and prosecutrix has already been recorded in which they have turned hostile, the petitioner deserves the concession of grant of regular bail.

6. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail, if not required in any other case, subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ❖ The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ❖ He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- ❖ He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate,



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concerned.

- ❖ He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case, the petitioner does not possess a valid passport, then he shall file an undertaking to the said effect before being released.

7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.

9. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

(ALOK JAIN)
JUDGE

October 08, 2025.

S. Sethi

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