



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

223

CRM-M-49268-2025(O&M)  
Decided on: 25.09.2025

JOBANPREET SINGH @ JOBAN

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Sandeep S. Majithia, Advocate  
for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

\*\*\*\*

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

1. The jurisdiction of this Court has been invoked under Section 483 BNSS for grant of regular bail to the petitioner in case FIR No.43 dated 11.03.2024, under Section 376-D & 363 read with Section 34 of IPC and Section 6 of POCSO Act, registered at Police Station Sadar, Amritsar.
2. The contents of the aforesaid FIR are reproduced herein below:-

*“Statement of Sonia wife of Parvez, resident of House No. 676, New Nehru Colony, Majitha Road, Amritsar, aged approximately 49 years, mobile no. xxxx, stated that I am a resident of the above-mentioned address and a housewife. That I was married to the said Parvez in the year 1997. I have two children - the elder son is Jain, aged about 20 years, and the younger is my daughter xxxx, aged about 15 years. On the date 08-03-2024 at about 8:30 PM in the night, my daughter xxxx left without informing anyone to visit Dargah Baba Mir Sahib. My husband and I kept searching for her on our own level, and for this reason, we did not inform the police initially. Today, on the date 10-03-2024, my daughter xxxx returned home. She told me that Veer, resident of Nehru Colony, Majitha Road, Amritsar and his friend Joban lured her and took her along on motorcycle. They kept her in a hotel and forcibly made her consume alcohol. After that, both of them forcibly had physical relations with her. They also threatened her that if she told anyone about this, they would kill her. On 08-03-2024, they kept her in the hotel and the next day also forced her to consume alcohol. Afterwards, they kept riding her around the city on a motorcycle. Today, in the evening at around 7:00 PM, they dropped her at Khande*



*Wala Chowk, Majitha Road, Amritsar. In this regard, I was coming with my husband Parvez and daughter xxxx to inform the police when I met you. I request that appropriate action be taken. This statement I am giving in the presence of my husband and daughter xxxx. The statement has been written, read to me, and is correct.”*

3. Learned counsel for the petitioner submits that the petitioner, a juvenile aged less than 18 years at the time of the alleged occurrence, has been falsely implicated on the basis of the statement of the mother of the prosecutrix. The testimony of prosecutrix is full of contradictions, as she neither raised alarm at any point nor disclosed the details of hotel details where she purportedly stayed. Further no identification parade was also conducted in the present case. The medical evidence does not support the allegations of forcible rape as no external injuries were found. There is no credible evidence, medical or otherwise, on record to substantiate the allegations levelled against the petitioner. In fact, even the DNA report has turned out to be negative. The petitioner is behind the bars since 11.03.2024, and he has clean antecedents.

4. *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 is behind the bars since 11.03.2024 and there is no other case registered against him. She on instructions from ASI Deepak Kumar, submits that charges were framed on 09.01.2025 and out of a total of 16 prosecution witnesses, 08 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. On a pointed query made by this Court, learned State counsel, upon instructions, has not refuted the submissions that the DNA report was negative qua the petitioner in the instant case.



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

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 11.03.2024. 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 09.01.2025 and only half of the total 16 prosecution witnesses stand examined till date. 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.

7. 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.



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**

**25.09.2025**

*Kavita*

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