



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

(213)

CRM-M-35045-2025(O&amp;M)

Date of Decision: 08.10.2025

**ARSHDEEP SINGH @ ARSHI @ SONU**

.....Petitioner

Versus

**STATE OF PUNJAB**

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Gagandeep Singh, Advocate  
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

\*\*\*\*

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

The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.0040 dated 04.03.2024, under Sections 377 and 511 of IPC and Sections 3 & 4 of POCSO Act (Sections 6 & 18 of POCSO Act were added subsequently), registered at Police Station City Kotkapura, District Faridkot.

2. The translated version of the FIR is reproduced below:-

*“Statement of Gurwinder Singh son of Gian Singh resident of Sikanwala Road Nanak Nagri Gali No. 03 Kotkapura aged about 40 years Mob No.xxx stated that I am a resident of the above address and do labour. I have two sons. Elder Son Arman Singh @ Mani and younger son xxxx aged about 5 years who studies in Class one in Government Primary School near Meher Singh Atta Chakki xxx. On 3/3/2024 at about 2:45 PM, me and my wife xxxx had gone out of the home for doing labour. Both of my sons were home together. That my neighbor Arshdeep Singh @ Arsh son of Kuldeep Singh took my younger son xxxx to his house on the allurements of giving a Kite, in whose house there was no member of the family. Arshdeep Singh @ Arsh removed the lower worn by my son xxxx and laid him down face*



*down on the bed and was trying to commit wrong act with him after applying oil to the private part, then the child started crying loudly in the mean time my wife xxx came back home on the spot and my wife saw that both the children were not in the house, then she went to the neighbors house and saw that Arshdeep Singh @ Arsh son of Kuldeep Singh was trying to commit wrong act with my son xxx, then Arshdeep Singh @ Arsh on seeing my wife ran away from the spot, then my wife narrated the whole incident to me on my phone, then I went to home. Me and my wife picked up our son xxx, arranged for a conveyance and got him admitted at Civil Hospital Kotkapura, where the Doctor is treating my son. I have got recorded my statement with you and have heard it and is correct. ”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case on the basis of the statement made by the father of the victim, due to an ongoing family dispute regarding a water outlet between the families of the petitioner and the victim. The version put forth by the complainant is completely baseless and improbable. It is submitted that the petitioner has already undergone an actual custody of 01 year and 07 months.

4. At the very outset, learned State counsel submits that the DNA report in the present case has turned out to be positive and has produced a copy of the same, which is taken on record as Annexure A-1. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year and 07 months. He has opposed the prayer of the petitioner and submits that there are specific serious allegations against the present petitioner of attempting to/committing to aggravated penetrative sexual assault upon a minor victim aged about five years at the time of the alleged incident. It was thus that challan was presented and thereafter charges were framed against the petitioner on 28.05.2024. There are total 23 prosecution witnesses, out of which 14 have been examined. It is further submitted that during the course of investigation, the samples of both the victim and the petitioner were sent



for forensic analysis, and the same is positive. Relevant portion of the report is reproduced hereinbelow:-

*“Human semen detected on Underwear, Perianal and Anal swabs stated to be of the victim (Source: Exhibits A-1, A-2(b), A-2(c)) belongs to Mr. Arshdeep Singh (Source: Exhibit B-I).”*

6. Heard learned counsel on either side.
7. *Prima facie*, serious and specific allegations have been levelled against the petitioner in the FIR as also the statement of the minor victim made before the learned trial Court under Section 164 Cr.P.C. and in his testimony as a prosecution witness. The forensic report reveals that human semen detected on the underwear and perianal/anal swabs of the victim matches the DNA profile of the petitioner. Therefore, considering the seriousness of the allegations, the nature of the evidence present, and the stage of the proceedings whereby 14 out of the 23 prosecution witnesses stand examined, this Court is not inclined to grant regular bail to the petitioner.
8. Accordingly, the instant petition stands dismissed.
9. Nothing observed hereinabove shall be construed as an expression on the merits of the case.

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

**(KIRTI SINGH)**  
**JUDGE**

**08.10.2025**

Kavita

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