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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-48327-2025(O&M)  
Date of decision: 16.10.2025

SUNNY SINGH

....Petitioner

**Versus**

STATE OF PUNJAB

...Respondent

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

Present : Mr. Gopal Singh Nahel, Advocate  
for the petitioner(s).

Ms. Guramrit Kaur, DAG, Punjab.

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

The jurisdiction of this Court has been invoked under Section 483 BNS Act for grant of regular bail to the petitioner in case FIR No.212 dated 27.10.2023, under Sections 376(3), 354-A, 354-D and 506 of IPC and Section 4 of POCSO Act, 2012, registered at Police Station Lehra, District Sangrur.

2. The contents of the aforesaid FIR are reproduced herein below:-

*“Copy of statement:- Statement of xxx, daughter of Jagsir Singh, resident of Khokhar Kalan, Police Station Lehra, age about 14 years, Mo: xxx, stated that I am a resident of the above address and am studying in class 10 at Government Sec: School Gobindgarh Khokhar, District Sangrur. My date of birth is 21.03.2009, according to which I am about 14 years old. We are two siblings. My mother xxx and father Jagsir Singh work as laborers. When I used to go to my school, a boy from our village Sunny Singh, son of Raju Singh, resident of Khokhar Kalan, Police Station Lehra, used to harass me while going to school and ask me to do friendship with him. I always refused to do so, but he kept following me*



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*continuously. On 25 October 2023, when I was going to school, Sunny Singh again followed me and told me that tonight he will come outside my house to meet me. If I do not come outside the house to meet him, he will climb the wall and come to my house. Due to which I was very scared. He also threatened to kill me and my family. Therefore, when Sunny Singh came outside my house to meet me on the intervening night of October 25/26, 2023, I went out of my house without informing my parents out of fear. At that time, the time would be around 1 am of night. When I went outside the house, Sunny Singh, who was already there, grabbed me by my arm and took me to a dharamshala near our house. He started threatening me that if I made any noise, he would kill me. Then Sunny Singh, against my will, took me to a room in the dharamshala and forcibly made physical relation with me. I managed to save myself with great difficulty and ran home. Then I told my mother xxx about this whole thing in the morning. We have not told anyone till now to save our honour. But today I have come with my mother xxx and recorded my statement with you. Please take appropriate action against the accused Sunny Singh. Justice should be given to me. I have written a statement for you, read it and heard it correct.”*

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement made by the prosecutrix, who has since turned hostile before the learned trial Court (Annexure P-2). Infact, even the mother of the prosecutrix did not support the case of the prosecution and was thus declared hostile (Annexure P-3). It is further submitted that the allegations levelled against the petitioner also stand falsified from the fact that upon medical examination, no external injury was found on the person of the prosecutrix, and even the FSL report has turned out to be negative. The petitioner has undergone an actual custody of 09 months and 15 days.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She has filed custody certificate and status report dated 15.10.2025 in Court today and the same are taken on record. As per the same, the petitioner has undergone an actual custody



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of 09 months and 15 days and there are two other cases registered against him. She on instructions, submits that the charges were framed on 11.02.2025 and out of a total of 17 prosecution witnesses, only 04 stands examined till date. The FSL report dated 13.10.2025 has been received in the instant case, as per which human semen and male DNA was not detected on the exhibits of the prosecutrix. She, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

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 30.12.2024. 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 11.02.2025 and out of a total of 17 prosecution witnesses, only 04 stands examined till date. The two material witnesses i.e. prosecutrix and her mother have turned hostile. The FSL report has turned out to be negative. 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. As regards the submission of learned State counsel that petitioner is involved in two more criminal cases, it has been held by the Hon’ble Supreme



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Court in *Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382* that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, 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 he 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.



9. 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.

10. 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.

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

16.10.2025

Kavita

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

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