

CNR No. PBFZC0-004453-2026

CIS No.BA-1721-2026

Bunty Vs. State of Punjab

Present: Sh. Lakhvir Singh Sidhu, Advocate counsel for the applicant/accused.
Sh. Harjot Singh, Addl. Public Prosecutor for State.

ORDER

1. Today an application for amendment of the regular bail application, moved by the learned counsel for accused/applicant, wherein it has been submitted that the applicant has already filed the accompanying regular bail application, which is pending adjudication before this Court. It has been submitted that the original FIR was registered under Sections 74, 127(2) of the Bharatiya Nyaya Sanhita and Section 8 of the POCSO Act. Subsequently, during investigation, the police have enhanced the offences under Sections 115(2), 3(5) BNS vide Rapat No.36 dated 05.05.2026 on the basis of later proceedings. The legality, correctness and applicability of such enhancement are matters to be examined during trial. It is further submitted that the subsequent addition of offences, without any fresh substantive material demonstrating the necessity of custodial detention, cannot by itself be a ground to deny the concession of bail. The entire prosecution case is documentary in nature, no custodial interrogation is required, no recovery remains to be effected and the applicant undertakes to cooperate with the investigation and trial. It is further submitted that the said development is a subsequent event which could not be pleaded in the original bail application, as the same was not within the knowledge of the applicant at the time of filing.

The proposed amendment is necessary for proper adjudication of the bail application and does not alter the nature of the relief sought. No prejudice will be caused to the prosecution if the amendment is allowed. It is further submitted that the applicant seeks permission to incorporate the following additional grounds in the bail application. The amendment is bona fide and is essential for the just and effective disposal of the pending bail application. Hence, it is prayed that permission may kindly be granted to the applicant to amend the pending regular bail application by incorporating the aforesaid additional ground and to consider the amended bail application while deciding the present petition.

2. Arguments of Ld. Counsel for the accused/applicant and the ld. APP for the State have been heard.

3. The present FIR was registered under Sections 74, 127(2) of BNS and Section 8 of the POCSO Act. Later on, during investigation, the police have enhanced the offences under Sections 115(2), 3(5) BNS vide Rapat No.36 dated 05.05.2026 on the basis of later proceedings. However, in the bail application which was filed by the accused the subsequent added sections were not mentioned. No jeopardy is going to occur to the prosecution if the application in hand is allowed. In view of the above discussion and in view of the averments mentioned in the said application, the above said application stands allowed and permission be granted to the applicant to amend the pending regular bail application by incorporating the aforesaid additional ground. The present application stands disposed of accordingly.

4. Arguments also heard on the application for the grant of the regular bail filed on behalf of the applicant/accused. The applicant/accused has submitted that he is innocent and has been falsely implicated in the present case. It is further submitted that the allegations levelled in the FIR are false, fabricated and result of deliberations and consultations. As per the prosecution case, the alleged occurrence is stated to have taken place on 03.05.2026 at about 11:30 A.M., whereas the matter was not immediately reported to the police. The information was first routed through Child Helpline and District Child Protection Office on 04.05.2026 and thereafter FIR was registered on 05.05.2026. The delay in setting the criminal law into motion remains a matter requiring consideration during trial. It is further submitted that the FIR was not registered on the basis of any prompt statement made before the police but was initiated through communications exchanged between Child Helpline, District Child Protection Officer and the police authorities. It is further submitted that the prosecution version itself discloses material discrepancies. The Child Helpline communication alleges that the applicant forcibly took the prosecutrix to his house and attempted sexual abuse, whereas the statement attributed to the prosecutrix in the FIR alleges that she was taken to a deserted street where the accused allegedly kissed her and touched her private parts. These inconsistencies go to the root of the prosecution story and are matters for trial. It is further submitted that no independent witness has been cited although the alleged occurrence is stated to have taken place in a residential locality. No

recovery is to be effected from the applicant and no useful purpose would be served by keeping him behind bars. It is further submitted that the investigation can proceed without custodial interrogation of the applicant. The applicant has deep roots in society and there is no possibility of absconding or fleeing from justice. The applicant has undertaken not to influence any witness and shall abide by every condition imposed by this Court. It is further submitted that the guilt or innocence of the applicant can only be determined after recording evidence during trial and continued incarceration would amount to pre-trial punishment. The applicant has further submitted that he is not involved in any other offence and is ready to furnish adequate bail and surety bonds to the satisfaction of this Court. Accordingly, prayer has been made that the application be allowed and benefit of the regular bail be granted to the applicant.

5. Notice of the present bail application given to respondent/ State. Ld. Additional Public Prosecutor appeared on behalf of respondent/ State and contested the present bail application. It has been submitted that allegations qua the applicant/accused are quite serious in nature. It has been further submitted that in case the applicant/accused is admitted on bail he would pressurize and influence the material witnesses. Accordingly, prayer has been made for the dismissal of the bail application.

6. The police record was summoned and has been produced before the Court. ASI Swaran Singh, No. 964/FZK, posted as In-charge,

Police Post Bazidpur Bhoma, Police Station Bahav Wala, appeared and made a statement to the effect that FIR No. 77 dated 05.05.2026 was registered at Police Station Bahav Wala under Sections 74 and 127(2) of the BNS and Section 8 of the POCSO Act against the present bail applicant. He further stated that the present petition is the first bail application filed by applicant Bunty in the said FIR.

7. Rival submissions have been considered. On the careful perusal of the record it is found that the FIR in question was registered against accused/applicant on the complaint of complainant Child Protection Officer. In his statement, the complainant has claimed that a girl "X" (*whose name is not being mentioned in this order in view of provision contained in Section 23 of POCSO Act and is hereinafter called as victim*) has made a statement that her father works as a confectioner and her mother "RB", who is no longer in this world, died of Corona on 16.06.2021. Her father got married for the second time on 05.03.22 and she has two brothers and sister. She is the only daughter of her mother and her step mother had two children i.e. one girl and one boy. Now after getting married for the second time, they have a boy and they are four siblings. Victim "X" has passed the 8th standard in Government Middle School on 27th February, 2025. Now during the holidays, she had come to live with her parents. Her mother sent her to her sister-in-law's house on 03.05.2026 at 11.30 am to get a wire box (board). When victim "X" returned with the box, she knocked the door of her house. Accused/applicant came out in front of her house and took her nearby

deserted street after closing her mouth. There accused/applicant gave bites on her cheeks and started kissing her. He also touched her personal body parts. Accused/applicant also gave bites on her hand and ran back home. After coming home, victim "X" told her mother and her mother told her sister-in-law. When her parents went to the house of accused/applicant, they beat up her family and caused many injuries to them and she had complained on 1098 Child Help Line. On the basis of said complaint of District Child Protection Officer, an FIR for offence punishable under Sections 74, 127(2) of BNS and Section 8 of POCSO Act was registered against accused/applicant. He was arrested in the present FIR 20.5.2026.

8. Perusal of the record reveals that the applicant/accused has arrested in this case on 20.05.2026. It is not in dispute that the applicant/accused is presently in judicial custody, which prima facie indicates that his custodial interrogation is no longer required. The challan qua the applicant/accused has not yet been presented in the court and the trial is yet to commence. Admittedly, the commencement and conclusion of the trial is likely to take considerable time. No useful purpose would be served by keeping the applicant/accused incarcerated for an indefinite period. There is nothing on record to indicate that, if released on bail, the applicant/accused is likely to coerce, threaten or otherwise exert any undue influence upon the victim, the complainant or any prosecution witness. In any event, appropriate conditions can be imposed while granting bail to adequately safeguard the interests of the prosecution and to ensure that the applicant/accused does not misuse the concession of

bail. Therefore, without expressing any opinion on the merits of the case, this Court is of the considered opinion that the present case is a fit one for grant of the concession of regular bail to the applicant/accused. Accordingly, the bail application filed by the applicant/accused stands allowed. He is ordered to be released on bail on furnishing personal bonds in the sum of Rs.55,000/- with one surety in the like amount to the satisfaction of the learned Illaqa Magistrate/Duty Magistrate, subject to the following conditions:

- 1. That the applicant/accused shall not tamper with prosecution evidence;*
- 2. That the applicant/accused shall not leave the country without prior permission of the Court;*
- 3. That the accused shall appear in the court on each and every date hearing unless his personal presence is exempted.*
- 4. That the applicant/accused shall not commit an offence similar to the offence which he is accused of or for the commission of which he is suspected.*
- 5. That the applicant/ accused 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 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 the Court. However, it is made clear that nothing stated above shall be construed as a final expression of opinion on the merits of the case. Police record be returned as per rules. A copy of this order be sent to

the Jail Superintendent on their mail ID. File be tagged with the remand papers pending in this court.

Pronounced in Open Court
Dated: 03.07.2026

(Atul Kamboj),
Additional Sessions Judge,
Fast Track Special Court,
Fazilka. (UID No. PB-0262)

Typed by: Manjit Singh,
Stenographer Grade-I.