



CRM-M-18455-2026 (O&M) -1-

2026:PHHC:056023



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

(207)

CRM-M-18455-2026 (O&M)

Date of Decision: 10.04.2026

AMARJIT SINGH @ AMBE

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Mohd. Salim, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (for short- 'BNSS'), is for grant of regular bail to the petitioner, in case FIR No.0054 dated 04.04.2024, under Sections 363, 366A IPC, 1860 (Sections 137, 96 of BNS 2023) and (Section 18 of POCSO added later on), registered at Police Station City Nawanshaher, District SBS Nagar.

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

"Statement of Inderjeet Singh son of Karamjit Singh resident of village Sangowal, police station Mehatpur District Jalandhar aged about 45 years old, Mobile No. 7526915213 stated that, "I am the resident of the above said address and doing the work of labour. I have 4 children, 3 daughters and 1 son. One of my daughter namely xxxxx who is the student of 11th class of Government Senior Secondary School Sangowal, who is about 15-16 years old. A few days ago he had left his daughter at the house of his uncle (Chacha) Jarnail Singh son of Anup Singh resident of village Barnala Kalan Police station city Nawanshahr District SBS Nagar. His uncle Jarnail Singh son of Anup Singh called him and apprised him that his daughter had gone somewhere without telling anyone with Amarjit Singh alias Ambe son of Gurmail Singh resident of Bittle Dhoongian, Police Station Mehatpur, District Jalandhar lured



and enticed his daughter xxxxx on the pretext of marriage. We searched here and there but all in vain. We went to the house of Amarjit Singh alias Ambe where his brother Sabhi Pita and Karma met them at home but Amarjit Singh alias Ambe was not there. When Amarjit Singh alias Ambe took away my daughter xxxxxx then my uncle Jarnail Singh seen them going at village Barnala Kalan. My uncle can recognise him when ever he is produced. A legal action be taken against Amarjit Singh alias Ambe. Today I along with my uncle Jarnail Singh son of Anup Singh resident of village Barnala Kalan, police station city Nawanshahr District SBS Nagar came there and recorded the statement". Heard and found correct. Sd Inderjeet Singh verified Jarnail Singh"

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 of the father of the prosecutrix. It is alleged that the petitioner has kidnapped/enticed away the daughter of the complainant on the false pretext of marriage. However, the true factual matrix is that the prosecutrix had in fact left her home on her own free will. She also did not attribute any overt act to the petitioner. Even otherwise, there is no cogent evidence, medical or otherwise, on record that points towards the complicity of the petitioner. Moreover, even the material witnesses stand examined before the learned trial Court. Learned counsel submits that the petitioner has already undergone an actual custody period of 01 years, 05 months and 29 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She, upon instructions from ASI Surinder Kumar states that the petitioner was actively involved in the commission of the offence. Learned State counsel 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, 05 months and 29 days. Investigation is complete. It is submitted that there is one more criminal case against the petitioner in which he is on bail.



She also submits that the charges have been framed on 28.02.2025 and out of a total of 17 prosecution witnesses, 05 have been examined while 01 has been given up.

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

7. Before proceeding, a gainful reference can be made to the observations passed by the Hon'ble Supreme Court in **Sanjay Chandra v. CBI, (2012) 1 SCC 40**, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

8. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the evidence, must take into consideration the nature of the offence, severity of the punishment and *prima facie*, the involvement of the accused and the material on record.

9. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 28.02.2025. Yet, only 5 out of 17 cited



prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 01 year, 05 months and 29 days.

10. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

11. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. Therefore, upon taking into account all the considerations stated herein-before, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as



reaffirmed by the Hon'ble Supreme Court in **Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22.**

12. 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 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 other case(s). 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.”

13. 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

14. 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.

15. 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.

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

(KIRTI SINGH)
JUDGE

April 10, 2026
SwarnjitS

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