



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

(212)

CRM-M-22726-2026**Date of Decision: 11.05.2026**

RAVI @ MITHLESH @ BUM BUM

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rajneesh Kumar Shelly, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Saurav Rao, Advocate for
Mr. Daljeet Singh Randhawa, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS (439 of Cr.P.C.) has been invoked for grant of regular bail to the petitioner in case FIR No. 68 dated 02.05.2009 under Sections 363, 366-A, 368, 34 of IPC (now Sections 137(2), 96, 142, 3(5) of BNS), registered at Police Station Dera Bassi, District S.A.S. Nagar.

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

"Copy of Statement, "Statement Vishnu Dev Sharma S/o Dev Pujan Sharma caste Lohar Villae Barhhulia, P.IS. Ander, Distt. Sewan (Bihar) now R/o Street No. 9, Preet Nagar Derabassi, Distt. S.A.S. Nagar aged about 45 years 98782-1xxxx it is stated that I am resident of the above said address and does the job in factory. I have two daughters the elder daughter xxxx whose age is 15 years, the younger daughter xxxx aged 14 years. That my above daughters were kidnapped by Ravi lias Mitlesh alias Thum-Thum S/o Sajjan Lal Chorasias, Anil Kumar S/o Rajender Chorasias Rso Gunwanti, P.S. Baesi Distt. Arria Bihar, Arvind Kuamr S/o Rajender Chorusia R/o for getting them married with their help by misleading them and my daughters are in possession of above boys. We have been looking after the girls uptil now who have not been found. That to-day I along with my wife and friend Moti Lal was coming to P.S. to give information that you have met me and I have got the statement recorded with you which is hard which is



correct. Requisite legal action be taken against the above boys. Sd/- Vishnu Dev Sharam certified Sd/- Phul Chand ASI P.S. Derabassi."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR, which was lodged wayback in the year 2009, on the statement of the complainant, alleging that the petitioner along with the co-accused had enticed away his daughters, purportedly minor at the time, on the pretext of marriage. It is submitted that the daughters of the complainant were major at the time of the alleged occurrence. Be that as it may, they had voluntarily left their home. In fact, the elder daughter of the complainant solemnized marriage with the petitioner in the year 2009. The couple had thereafter been residing in the village of the petitioner, and have even been blessed with five children. It has also been stated that the petitioner was not aware about the pendency of the present FIR against him, for which reason, he did not put in appearance before the learned Trial Court, and was subsequently declared a proclaimed offender on 12.07.2012 without following due process. He was thereafter arrested on 09.02.2026 and has been in custody since then. Learned counsel submits that there is no cogent evidence on record to substantiate the allegations levelled by the complainant, who has now compromised the matter with the petitioner. Reliance in this regard is placed on the compromise deed dated 30.03.2026 (Annexure P-3). Learned counsel further contends that the petitioner has undergone an actual custody of 02 months and 28 days and there is no other criminal case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel states that the petitioner was actively involved in the commission of the offence. She 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 02 months and 28 days. The learned State counsel, on instructions from ASI Satbir Singh, submits that in the present case, charges were framed on 02.05.2026 and out of total 09 prosecution witnesses, none has been examined till date. Learned State counsel further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Learned counsel for respondent No.2 has filed an affidavit of respondent No.2 in the Registry of this Court. He, while placing reliance upon the said affidavit, submits that the petitioner and the daughter of the complainant got married in the year 2009 and have since been residing together at their matrimonial home. The couple is also blessed with five children.

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

7. Before proceeding, a gainful reference can also 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. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 02.05.2026. None, out of 09 cited prosecution witnesses, has been examined till date. The petitioner has already remained in actual custody for a period of 02 months and 28 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

9. It is admitted that the petitioner and the prosecutrix solemnized their marriage in the year 2009, and have since been residing together at their matrimonial home. They have five children from their wedlock. 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.

10. 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. Therefore, upon taking into account all the considerations stated hereinbefore, 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***.

11. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and 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.

12. 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.

13. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

May 11, 2026

Ritika

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