



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

(215)

CRM-M-26301-2026

Date of Decision: 14.05.2026

HARPREET SINGH @ HARRY

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Prabhjot Kaur, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Harmanpreet S. Mander, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.252 dated 04.10.2025 under Sections 137(2), 96 of BNS (Sections 363, 366-A of IPC), registered at Police Station Lambi, District Sri Muktsar Sahib.

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

“Statement of xxxx wife of Gurwinder Singh resident of village Sarawan Bodlan age about 43 years, mobile no.95015-2xxxx, Tehsil Malout, District Sri Muktsar Sahib stated that I am a resident of the above address and I am a housewife and I have three children, the elder son Akashdeep Singh and the younger Ajaypal Singh and the youngest daughter xxxx, whose date of birth is 18.07.2008 and my parents are in village Deon Khera and I had come to stay with my parents for a few days along with my children and my three children were with me. That on 24.09.2025 on Wednesday, at night, we all had dinner and slept, so my children also lay down on the bed next to me and when I opened my eyes at 04 am, I saw that my daughter xxxx, who is a minor, was not on her bed. So, I quickly woke up my family and told them that my daughter is not on the bed. I do not know where she has gone. So, when we inquired around and in our neighborhood in the morning, we did not find anything about the girl, so we all went to our village Sarawan Bodlan to search for our daughter; we came to know that my daughter xxxx, who is a minor, was enticed away by Harpreet Singh alias Harry son of



Ninder Singh, a boy from our village Sarawan Bodlan. We did not find her after in the areas and searching surrounding relatives. Today we came to the police station to record statement to you, that action should be taken against Harpreet Singh alias Harry resident of Sarawa Bodlan. I have recorded my statement to you. I heard it and will be responsible. Sd/- Jaswinder Kaur, above verified statement LTI/- Gurwinder Singh S/O Mangat Singh R/O Sarawan Bodlan Verification Sd/- Kulwant Singh ASI, PS Lambi Date 04.10.2025."

3. Mr. Harmanpreet S. Mander, Advocate puts in appearance on behalf of the complainant and has filed his *vakalatnama*. The same is taken on record.

4. Learned counsel for the petitioner submits that the petitioner, now aged 24 years, has been falsely implicated in the present FIR, which was registered after a delay of about 10 days, on the basis of the statement made by mother of the prosecutrix, wherein she alleged that the petitioner had enticed away her daughter on the false pretext of marriage. It is submitted that the petitioner and the prosecutrix, age of whom is a disputed question of fact, were well acquainted with each other. The true factual matrix is that the prosecutrix, as per her own admission before the investigating agency in her statement recorded under Section 180 of BNSS, had left her home voluntarily, and thereafter, willingly accompanied the petitioner. Copy of the said statement is submitted in court, which is accordingly taken on record. There was no element of coercion or undue influence at the end of the petitioner. There is also no cogent evidence on record to substantiate the allegations against the petitioner. Moreover, it is submitted that the matter has even been amicably settled between the parties. The petitioner has already undergone custody of 06 months and 11 days.

5. Learned counsel for the complainant has not disputed the factum of compromise arrived at between the parties.



6. *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. 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 06 months and 11 days. The learned State counsel, on instructions from ASI Gurmeet Singh, submits that in the present case, charges were framed on 17.04.2026 and none out of total 15 prosecution witnesses has been examined till date. Moreover, there is one other case registered under the Arms Act against the petitioner, in which he is on bail. Learned State counsel submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

8. Before proceeding further, 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."

9. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 17.04.2026. All of the 15 cited prosecution witnesses remained to be examined. The conclusion is not imminent. The petitioner has already remained in actual custody for a period of 06 months and 11 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. 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.***

12. 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.

13. 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.

14. 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.

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

(KIRTI SINGH)
JUDGE

May 14, 2026
Ritika

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