



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
205

CRM-M-48771-2024(O&M)

Date of Decision: 21.11.2024

Ravinder @ Ravi

....Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ketan Antil, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No. 74 dated 08.04.2024 under Sections 376(2)(n) and 506 IPC and Section 6 of POCSO Act, 2012 registered at Police Station Rai, District Sonipat, Haryana (Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) was registered on the basis of the statement made by the victim herself, which reads as under:-

“To the SHO, PS Rai, Sonipat, Sir, it is submitted that I, XXXX d/o XXXXXX XXXXX, am the resident of village Ajitpur, District Mujafarpur, PS Sariya, presently residing at near Dahiya Water Plant, Biswa Mill Road, Rai. We are three brothers and sisters. My elder brother is namely Krishan Kumar who is aged 20 years and he is mentally ill. I am 17 years of age and my sister namely XXXX is younger to me and she is 12 years of age. I am studying in 11th class



in Government School, Biswa Mill, Rai. My mother and father are doing jobs in different companies and they leave for work in the morning about 6 AM and they return to home around 6-7 PM in the evening. That in front of our house/room, Ravinder son of Shyam Lal, resident of Hempur Jhila, District Bijnor, U.P, presently tenant at near Dahiya Water Plant, Biswa Mill Road, Rai and he is having mobile number 9720816636 and he is staying there for about past 1 year and he used to visit our house. About 3 months ago, Ravinder had purchased new mobile phone and on pretext of showing me the new phone, he called me to his room and he closed the latch of the door and he forcefully committed rape upon me and he threatened me that if I disclose it to anyone, then he will kill me. After threatening me, he committed wrong act with me 3-4 times. I didn't disclose this thing to anyone due to fear. For many days, I was suffering from fever and I was having stomach ache, due to which my mother and father got me admitted in Bhagwan Das Hospital for treatment. Doctor had conducted Ultrasound as I having stomach ache, then doctor disclosed to me and to my parents that I am 7 weeks and 4 days pregnant. Ravinder had forcefully committed rape upon me. Strict legal action be taken against him.”

Learned counsel for the petitioner *inter alia* submits that in actual fact, the petitioner and the victim/complainant were in a consensual relationship. At the time of registration of FIR, the complainant was more than 17 years of age as her date of birth is 25.10.2006, whereas the petitioner was about 25 years of age. It is submitted that complainant in her testimony as PW1 (Annexure P-2) has turned hostile. It is reiterated that it was a consensual relationship



between the petitioner and the complainant. It is submitted, on instructions from the petitioner, that the petitioner and the complainant wish to solemnize marriage.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 09.04.2024 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed, and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner; and on instructions from L/SI Rani, submits that at the time of commission of offence, the victim was a minor girl being less than 18 years of age. It is submitted that as per record, she was also 7 weeks pregnant, however subsequently, her pregnancy was terminated on 16.04.2024. It is further submitted, on instructions, that DNA report in respect of the same is awaited.

Learned counsel for the State further informs that there are 26 witnesses in the present case, out of which only 4 witnesses including the victim, have been examined so far.

Learned counsel for the State files custody certificate dated 20.11.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 7 months and 12 days.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that: a) the

custody period of 7 months and 12 undergone by the petitioner as an undertrial; b) no other case pending against the petitioner as evident from custody certificate placed on record; c) material witness i.e. the victim stands examined; d) out of total 26 witnesses, 4 witnesses have been examined so far; and therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Ravinder @ Ravi S/o Shyam Lal, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending application, if any, stands disposed of.

21.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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