



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

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CRM-M-434-2025

Date of decision : 06.05.2025

Saurabh

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sukesh Kumar Jindal, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.44 dated 24.07.2024 registered under Sections 64(1), 95, 96, 98, 99, 115, 142, 143(4) & 144(1) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023; Sections 3, 4, 6 & 7 of Immoral Traffic (Prevention) Act, 1956; Section 6 & 17 of Protection of Children from Sexual Offence Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 registered at Women Police Station, Panipat.

2. In terms of order dated 18.03.2025, compliance report by way of an affidavit of Sh. Rajbir Singh, HPS, Deputy Superintendent of Police, City Panipat, has been filed in the Registry which is taken on record. As per the said report, the minor victim/complainant has been informed through her mother regarding the pendency of the present

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petition and the next date of hearing, however, none has put in appearance on behalf of the complainant.

3. Brief facts of the case are that on 24.07.2024 complainant, who is 16 years old, gave a complaint to the police stating therein that about a month back, her friend Axxxx and one boy Arif, who are resident of Nangloi, had dropped her at Hotel Neel Kamal situated at Sanoli Road, Panipat. They had said to her that she has to do sweeping and mopping work there but she is being subjected to wrong act every day for the last 15 days. There is one person named Kabir in the hotel, who lives with his wife, calls the boys from outside and gets wrong act done with her. Yesterday also, three persons have done wrong act with her and on her protest she was given a beating. She cannot tell about their faces as it was dark. Today, on finding an opportunity, she has fled from the hotel. On the basis of said complaint, the instant FIR was registered. The investigation was conducted, the victim was got medico-legally examined, her statement under Section 183 of BNSS was got recorded and the petitioner was arrested.

4. Learned counsel for the petitioner submits that the petitioner, who is 23 years old, is innocent and has been falsely implicated in the present case. He submits that neither the petitioner was named in the FIR nor any allegation against him was levelled by the prosecutrix/victim in her statement recorded under Section 183 of BNSS before the learned Magistrate. The case of the prosecution is that the petitioner in his confessional statement recorded before the police has stated that he was supplying the girls. Learned counsel for the

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petitioner has produced copy of the statement dated 21.04.2025 of the prosecutrix/victim recorded before the Trial Court, wherein she has not supported the case of the prosecution and has resiled from her earlier statement recorded even qua the other accused. To the same effect is the statement of the mother of the prosecutrix/victim. He submits that the petitioner is in custody since 27.07.2024 and he is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 27 prosecution witnesses, only 02 have been examined so far. He further submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

5. On the other hand, learned State counsel, while referring to the status report, has vehemently opposed the grant of regular bail to the petitioner. However, she conceded the fact that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 27 prosecution witnesses, 02 have been examined. She has also filed custody certificate dated 05.05.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 09 months and he is not involved in any other case.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody period of the petitioner, which is 09 months and 08 days and the facts that the prosecutrix/victim and



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her mother have not supported the case of the prosecution in their statements recorded before the Trial Court; investigation is complete; challan has been presented; charges have been framed; out of total 27 prosecution witnesses, only 02 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.
9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

06.05.2025
kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No