



214

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

CRM-M-468-2025

Date of Decision:- 07.03.2025

SOURAV KUMAR @ SAURAV BHATI

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.K. Ganga, Advocate for petitioner.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Sourav Kumar @ Saurav Bhati has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.34 dated 30.03.2024 (Annexure P-1) under Section 376 IPC and Section 4 of POCSO Act (Sections 363 and 366 IPC added later-on) registered at Police Station Khuian Sarwar, District Fazilka, Punjab.

2. Facts of the case are, prosecutrix gave her statement to the police that she had appeared for 12th examination. She had love affair with Saurav Bhati for the last 2 years. On the night of 28.03.2024, Saurav Bhati called her outside the house and he took her to his house and developed physical relations with her against her wishes. He was bringing her back to her house on his motorcycle and by that time her family members came to know that she was missing from the house. Saurav took her back in a play

ground outside their village and also called his brother Gaurav. 3-4 other

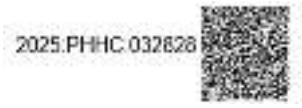


boys were present with Gaurav. On the next day at 6 am, his cousin Manjit and Rakesh brought her back to the house. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that allegations levelled against petitioner are false. He was arrested in this case on 30.03.2024 and since then he is behind the bars. He has annexed the statement of victim PW1 (Annexure P-2) and statement of father of victim PW2 (Annexure P-3) where they have not supported the prosecution case. It is pointed out that trial in this case may take long time. Therefore, there is prayer for regular bail.

4. Status report is filed confirming the facts stated in the FIR. It is pointed out that challan in this case is already presented on 27.05.2024. Chargesheet was framed on 06.06.2024. Out of 21 witnesses, 2 witnesses have been examined who have not supported the prosecution case. It is argued that allegations are serious. Victim was minor at the time of alleged offence. Considering the gravity of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. As for now, petitioner is facing trial. Two prime witnesses have been examined i.e. victim (PW1) and father of the victim (PW2). Their statements are Annexures P-2 and P-3 wherein they have not supported the prosecution case. Petitioner is behind the bars since 30.03.2024. In view of the status report, it is evident that trial in this case will take some time. In light of aforesaid factual position, petitioner cannot be kept behind the bars for indefinite time period. Trial court will consider the testimony of witnesses



at appropriate stage. Therefore, without expressing my mind on the merits of the case, regular bail application filed by petitioner is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

07.03.2025
snd

(AMARJOT BHATTI)
JUDGE

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