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

CRM-M-1398-2025

Date of Decision:- 09.04.2025

MOGLI

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Anmol Sharma, Advocate for petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.123 dated 29.05.2024 under Section 365 IPC (deleted later-on) and Sections 363, 366 & 376 IPC (added later-on) and Section 4 of POCSO Act (added later-on) registered at Police Station Matlauda, District Panipat.

2. Facts of the case are, complainant mother of the victim gave her statement that her daughter i.e. victim 'N' aged about 17 years used to stay at home after passing her 9th class. On the intervening night of 28/29.05.2024 entire family went to sleep after dinner. Victim 'N' left the house at night time without informing anyone and this fact was noticed when she woke up in the morning. With these facts, present FIR was registered under Section



365 of IPC.

3. During the course of investigation, supplementary statement of the complainant was recorded on 31.05.2024. Victim was recovered on 30.05.2024. She was medically examined and her statement was recorded before the Magistrate on 31.05.2024 under Section 164 Cr.P.C. After completion of investigation, challan is presented under Sections 363, 366, 376 IPC and Section 4 of POCSO Act.

4. Learned counsel for petitioner argued that allegations levelled against petitioner are false. Initially he was not named in the FIR. There is delay of more than one day in lodging the report to the police. Facts of the case indicate that victim 'N' left the house on her own with her sweet will. In-fact she was consenting party. Facts narrated in the FIR are false. Victim and the petitioner wanted to perform marriage and they also hired the service of Advocate. Statement of alleged victim recorded under Section 164 Cr.P.C. confirming these facts is Annexure P-2. Petitioner is behind the bars since 31.05.2024. He is ready to face the trial. It is prayed that his regular bail application may be allowed.

5. Status report filed. Bail application is opposed by learned counsel representing State. It is pointed out that victim was recovered on 30.05.2024 and mother of the victim was again joined in the investigation and her supplementary statement (Annexure R-1) was recorded. MLR of the victim is Annexure R-2 and her statement under Section 164 Cr.P.C. is Annexure R-3. Petitioner was arrested in this case on 31.05.2024. As per the birth certificate of the victim (Annexure R-5), she was born on



20.07.2007 and at the time of said occurrence, she was 16 years, 10 months and 9 days old, thus a minor. After completion of investigation, challan has been presented on 22.07.2024 and charges are framed under Sections 363, 366, 376 IPC and Section 4 of POCSO Act on 06.09.2024. Now, case is pending for recording of prosecution evidence. Considering the specific allegations, petitioner is not entitled to be released on regular bail.

6. I have considered the arguments and have gone through the record. As per the birth certificate (Annexure R-5), victim was minor at the time of said occurrence. Therefore, her consent does not carry any weight. Petitioner was arrested and joined in the investigation. As per status report, statements of victim (PW-1) and mother of the victim recorded as PW-2 are Annexure R-7 and Annexure R-6 respectively wherein specific allegations have been levelled against the petitioner. FSL report is still awaited. Therefore, considering the aforesaid factual position, I do not find a fit case for grant of regular bail and the same is, accordingly, dismissed.

09.04.2025
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(AMARJOT BHATTI)
JUDGE

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