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

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Date of Decision:-17.03.2025

Rakesh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sahil Choudhary, Advocate with
Mr. Aman Jangra, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner –Rakesh has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.42 dated 05.04.2023, under Sections 342, 354, 452, 376(2)(n), 506 of IPC and Section 8 of POCSO Act, registered at Police Station Women Assandh, District Karnal (Annexure P-1).

2. As per the facts of case, prosecutrix gave her statement that on one occasion, she had gone to the house of Rakesh to collect some goods from his mother. On reaching, she found that his mother was not present in the house. She met Rakesh who took her inside the house. Nobody else was present in the house. Rakesh locked the door and dragged her in a room and forcibly assaulted her and prepared a video of the said incident.

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She was threatened by using said video and ravished her multiple times. He started demanding her jewellery in exchange for deleting the said video. She had handed over some of her jewellery articles, but he did not delete the video. In fact he uploaded her photographs on *Facebook, Instagram* etc. She disclosed the whole thing to her husband who confronted Rakesh. Rakesh threatened to kill him. Thereafter, he suggested that her daughter should get friendly with him. Thereafter, the matter was reported to the police.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. No such occurrence took place. During the proceedings of trial, prosecutrix examined as PW-1 and her daughter examined as PW-2 did not support the prosecution case and were declared hostile. Copies of their statements are Annexure P-4 and P-5 respectively. There is no truth in the prosecution version and without considering these facts his bail application was wrongly declined by learned trial Court vide impugned order dated 19.11.2024 (Annexure P-7). He is ready to abide by the terms of bail order.

4. Status report is filed confirming the facts stated in the FIR. As per the status report, during investigation allegations qua taking of jewellery or an attempt on the part of petitioner to commit wrongful act with the daughter of prosecutrix were found to be false and offence under Sections 406, 376, 511 of IPC were deleted. It is confirmed that after presentation of challan the prosecutrix as well as her daughter were examined and they turned hostile.



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5. I have considered the aforesaid factual position. As per the status report trial is going on and two of the material witnesses have been examined i.e. prosecutrix as PW1 and her daughter as PW2. Their statements are also annexed where they did not level any allegation against the petitioner and were declared hostile. Other prosecution witnesses are yet to be examined. Trial in this case may take long time. Therefore, without expressing my mind on merits of the case, regular bail petition filed by petitioner – Rakesh is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

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

17.03.2025

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No