



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4167-2025 (O&M)
Date of Decision:-30.01.2025

Sonu

.....Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sudhir Rana, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, for grant of regular bail to the petitioner in case bearing FIR No.408 dated 20.11.2023 under Sections 365, 376(3), 376(2)(n) of IPC and Section 6 of POCSO Act, 2012, registered at Police Station Ram Nagar, District Karnal.
2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 01 year and 01 month. As per the allegations in the FIR, the mother of the prosecutrix had got the FIR registered by stating that the present petitioner had established physical relations with her daughter, due to which she became pregnant and that the prosecutrix had also gone with the petitioner without informing her.
3. Learned counsel for the petitioner further submitted that, during the course of the trial, the prosecutrix and the complainant did not support the prosecution's version. It was a case of love affair and therefore, it cannot be said that any offence has been made out against the petitioner and as such



considering the custody of the petitioner, he may be considered for the grant of regular bail.

4. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. He further submitted that it is a case where the prosecutrix was of the age of 15 years and 02 months at that time and as per the allegations, the petitioner had enticed her away and had established physical relations with her and thereafter the prosecutrix became pregnant and she underwent an abortion. He also submitted that even if the prosecutrix had gone with the petitioner on her own will and consent, the same is insignificant in view of the fact that there can be no consent of a minor and it is a case of serious consequences particularly in view of the fact that she became pregnant and thereafter she underwent an abortion. He also submitted that the mere fact that, during the course of the trial, the prosecutrix and the complainant did not support the prosecution's version and have been declared hostile cannot become a ground for granting bail to the petitioner, particularly in view of the fact that the DNA report is still awaited and has not been received till date. He further submitted that, considering the gravity and seriousness of the offence, the petitioner may not be granted regular bail.

5. I have heard the learned counsel for the parties.

6. The custody of the petitioner has come out to be 01 year and 01 month. The prosecutrix is stated to be 15 years and 02 months of age at the time of occurrence. It is a case where as per the allegations the petitioner had enticed away the minor daughter of the complainant and established physical relations with the prosecutrix and thereafter the prosecutrix became pregnant



and subsequently underwent an abortion. This Court is in agreement with the argument raised by learned State counsel that the mere fact that the girl had gone with the petitioner on her own will and consent, would be of no significance in terms of law because the prosecutrix was a minor at the time of the incident and below the age of 16 years. Undoubtedly, the offence is not only serious but also heinous in nature, particularly considering that there was an abortion of the fetus. The effect of the prosecutrix and the complainant turning hostile would be subject matter for final adjudication by learned Trial Court.

7. So far as considering the prayer for grant of bail to the petitioner is concerned, this Court would certainly consider the totality of circumstances as stated above. After considering the same, this Court is of the view that, in light of the seriousness and gravity of the offence involved, which is also against society at large, the petitioner does not deserve the concession of regular bail

8. Consequently, finding no merit in the present petition, the same is hereby dismissed.

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.

(JASGURPREET SINGH PURI)
JUDGE

30.01.2025

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