



CRM-M-4475-2025 (O&M)

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

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CRM-M-4475-2025 (O&M)

Reserved on: 28.11.2025

Pronounced on: 01.12.2025

Uploaded on: 02.12.2025

MAHINDER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Harish Bhatti, Advocate
for the petitioner.

Mr. Hardeep Singh Wadhwa, DAG Punjab.

Shalini Singh Nagpal, J.

1. Petitioner seeks regular bail in FIR No.59 dated 16.03.2024 under Sections 376 IPC and Section 4 and 6 of The Protection of Children from Sexual Offences (POCSO) Act, 2012, Police Station Sahnewal, District Police Commissionerate Ludhiana, Punjab. Section 376-D IPC has been added in the FIR during investigation. This is the first petition for regular bail.

2. Case was registered on complaint of mother of the prosecutrix, who alleged that she had four children and her daughter "B" aged 14 years, student of Class VI in Government High School was on talking terms with their neighbours, namely Shiv and Mahinder. Shiv and Mahinder committed illegal act with her daughter, who was one month pregnant.

3. Subsequently, during the course of investigation, statement of the minor victim was recorded. She stated that she used to visit the house of Mahinder and Shiv, brothers of her friend. In November, 2023 when she



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went to their house, Mahinder offered her a glass of juice after which she became dizzy and unconscious. When she regained consciousness, her clothes were removed and she was sexually assaulted by Mahinder, Shiv and Gaurav. During the incident, Gaurav was carrying a pistol and continuously threatened her while Shiv recorded a video of the incident, which he later used to threaten and blackmail her. There was fourth person present at the spot. All four persons repeatedly committed sexual acts with her against her will and threatened to make the video viral if she revealed the incident to anyone. Out of fear, she did not reveal anything.

4. Learned counsel for the petitioner submits that petitioner had been falsely involved by mother of the prosecutrix, who was habitual of filing false cases. In one such case, arising out of FIR No.62 dated 30.03.2021 under Sections 363, 366-A IPC wherein Section 376(2)(n) was added later on, lodged by mother of the prosecutrix in Police Station Sahnewal, District Ludhiana, the accused had been acquitted vide judgment dated 23.10.2023. He further argued that the DNA analysis report did not incriminate the petitioner and there were material discrepancies in the FIR version and version of the prosecutrix recorded during investigation.

5. Status report has already been filed by the State. The prayer for regular bail has been opposed on the ground of gravity and heinous nature of the offence.

6. Petitioner is accused of committing aggravated penetrative sexual assault on the minor victim aged 14 years. Statement of the prosecutrix has not yet been recorded. He is one out of the four persons who sexually violated the minor child and impregnated her. Possibility of petitioner tampering with evidence in the event of release of bail cannot be ruled out. Presumption under Section 29 of The Protection of Children from



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Sexual Offences (POCSO) Act, 2012 must also be kept in focus while dealing with an application for regular bail. Considering the gravity of the offence, the seriousness of allegations, impact of the offence on the victim child, severity of punishment which conviction may entail and all relevant facts and circumstances of the case, the Court is dissuaded from releasing the petitioner on regular bail.

- 7. Accordingly, the petition stands dismissed.
- 8. Pending applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

01.12.2025
HS.CHAUHAN

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No