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

CRM-M-7294-2025

Date of Decision:- 02.07.2025

SAURABH

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Yogeshwar Dayal Kaushik and Mr. Jony Bansal, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.155 dated 27.12.2024 under Sections 140 (3) of Bharatiya Nyaya Sanhita, 2023 and Section 6 of POCSO Act registered at Women Police Station Ballabgarh, District Faridabad.

2. Facts of the case are, complainant 'SB' gave her statement that she is running *tiffin* service from home whereas her husband is working as Waiter in a hotel at Delhi. She is mother of 3 children. On 24.12.2024 at about 8 am, her daughter i.e. the victim 'NB' aged about 16 years left the house without informing anybody. She tried to search her but failed to locate her whereabouts. In the evening, she called one Bhola her neighbour who told her that she was at Kalkaji Metro Station. Victim was brought back who



disclosed that she was acquainted with one Saurabh through Instagram who lived in village Badoli, Faridabad and he had called her to meet him at Neelam Chowk. She was taken to a Hotel where she was raped. Her daughter assured not to meet him. Therefore, she did not lodge complaint with the police. On 25.12.2024 at about 6 pm, she again left the house without informing anyone and returned home in the morning of 26.12.2024. She again met the said boy who committed rape with her. Ultimately, matter was reported to the police.

3. Learned counsel for petitioner argued that petitioner is also a young boy of 18 years of age. In-fact, there is delay in lodging the report. He also referred to the report of Regional Forensic Science Laboratory Bhondsi, Gurugram (Annexure R-4) where as per the said report semen could not be detected on Ex.-1 i.e. vaginal swabs. Allegations of rape are false. Petitioner is not having any criminal antecedents. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed. Facts narrated in the FIR are confirmed. There is statement of victim recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Annexure R-1) where present petitioner is specifically named and there are specific allegations of rape. Copy of MLR is Annexure R-2 and the report of Regional Forensic Science Laboratory is Annexure R-4. At the time of alleged occurrence, victim was minor. As per school record, her date of birth is mentioned as 13.02.2008. Trial is at initial stage. Therefore, petitioner is not entitled to be released on



bail.

5. I have considered the arguments and have gone through the record. In the case in hand after completion of investigation, challan is presented on 21.02.2025. Trial is at initial stage. As per the school record annexed with the status report, date of birth of the victim is 13.02.2008. Therefore, she is minor. At this stage, her statement recorded under Section 183 Bharatiya Nagarik Suraksha Sanhita, 2023 cannot be ignored. Charges are yet to be framed and thereafter statement of the victim will be recorded. In case, petitioner is released on bail there is every possibility that he will try to influence the victim. In light of aforesaid factual position, I do not find merits in the regular bail application filed by the petitioner at this stage and the same is accordingly declined.

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

(AMARJOT BHATTI)
JUDGE

02.07.2025

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