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

CRM-M-7134-2025 (O&M)
Date of Decision:- 07.07.2025

VIKKY

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr.Himanshu Bansal, Advocate for the petitioner.
Ms. Nidhi Garg, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.452 dated 09.08.2022, under Sections 365 and 376 (2) (n) of Indian Penal Code, 1860 and under Section 6 of POCSO Act registered at Police Station Tehsil Camp Panipat, District Panipat.
2. Facts of the case are, complainant gave his statement that his elder daughter i.e. victim 'P' aged 15 years left the house on 08.08.2022 at about 8 am without informing anybody. He tried to locate his daughter but failed. She has been kidnapped by giving some allurement.
3. As per the status report, investigation was carried out. Victim was recovered on 12.10.2024 along with her child aged about 9 months.



Victim was medically examined. Her statement was recorded before Magistrate under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 (164 Cr.P.C) and after completion of investigation, challan was presented in the Court.

4. Learned counsel for petitioner argued that FIR has been lodged due to some misunderstanding. Complainant Praveen as well as his wife have given their affidavits in his favour which are Annexures P-3 and P-4. In-fact, petitioner had performed marriage and out of this wedlock they have a son who is 9 months old. Birth certificate of the child is Annexure P-2. Alleged victim has not levelled any allegations against him when her statement was recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023. At present, victim is also examined who has not supported the allegations. Petitioner is behind the bars since 13.10.2024. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

5. Detailed status report has been filed confirming the aforesaid factual position. It is pointed out that investigation was completed and the challan was presented before the trial Court on 10.01.2025. Charges are also framed vide order dated 06.02.2025. At the time of filing of status report, no witness was examined. State counsel has also placed on record birth certificate of the alleged victim according to which her date of birth is 26.07.2008 who was a minor at the time of said occurrence. It is further confirmed that the victim had refused for her medical examination. The



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refusal form is Annexure R-2. It is pointed out that there are serious allegations against the petitioner. Considering the aforesaid facts and gravity of offence, petitioner is not entitled to be released on regular bail.

6. I have considered the arguments and have gone through the record. Documents on record show that alleged victim was a minor at the time of said occurrence. Victim had left the house on 08.08.2022 and finally she was recovered on 12.10.2024 when she was mother of 9 months old boy. Birth certificate of the child is Annexure P-2/R-5. Petitioner is behind the bars since 13.10.2024. He is facing trial in this case. Statement of victim has been recorded as PW1 which is also produced in the present bail application. Considering the aforesaid factual position, no purpose would be served by keeping the petitioner behind the bars. Facts of the case and the testimonies of prosecution witnesses will be considered at appropriate stage by the trial Court. Therefore, without going on the merits of the case, regular bail filed by the petitioner is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

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

(AMARJOT BHATTI)
JUDGE

07.07.2025

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