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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9547-2025
Date of decision: 24.02.2025

HEMANT KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

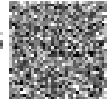
Present:- Mr. Tarun Seth, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.08 dated 12.03.2024, under Sections 12, 17, 6 of the POCSO Act, Section 506 of the IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Sections 376(2)(n), 354, 109, 457, 370 and 370-A of the IPC added later on), registered at Police Station Women Police Station, District Ambala, Haryana.

2. Learned counsel for the petitioner submitted that it is a case where as per the FIR, allegations were levelled against the other co-accused, namely, Harvinder Kaur, Avtar Singh @ Peter and Jarnail Kaur for abducting the minor grand-daughter of the complainant and committing rape upon her and extending

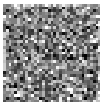


threats to kill. He further submitted that the petitioner was not named in the FIR and it was thereafter that his name was nominated. He also submitted that considering the aforesaid fact that the petitioner is in custody for about 10 months, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Gagandeep Singh Chhina, AAG, Haryana submitted that during investigation it was found that the petitioner was involved in the present case and the prosecutrix was impregnated and the fetus was aborted after about 1½ months. He further submitted that the petitioner was identified by the prosecutrix in the Court and she has rather supported the prosecution story at the time of deposing before the learned trial Court. He further submitted that the petitioner was directly involved in the present case and the prosecutrix was only 16 years of age and was a minor. He further submitted that the report pertaining to DNA matching with regard to the petitioner and aborted fetus is still pending and there is an apprehension that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice. He also submitted that the allegations against the petitioner were extremely serious in nature and considering the gravity of the offence, he is not entitled for the grant of regular bail.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody for about last 10 months and the prosecutrix stands examined, who has supported the prosecution version. The prosecutrix is stated to be a minor girl of the age of 16 years and there were allegations of rape committed upon her in the present case. As per



the learned State counsel, the prosecutrix became pregnant and the fetus was aborted after about 1½ months and the report of the DNA is still awaited. This Court is of the view that considering the alleged role of the petitioner and the gravity of the offence and also the fact that DNA report has not yet been received and as per the learned counsels for the parties, the prosecutrix has not only identified the petitioner in the Court but has also supported the prosecution version while deposing before the learned trial Court, the petitioner does not deserve the concession of regular bail.

6. Consequently, the present petition is hereby dismissed.
7. 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.

24.02.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No