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

CRM-M-9663-2025(O&M)

Date of Decision:-01.07.2025

Sahil

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Virender Soni, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner – Sahil has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.37 dated 04.03.2024, under Section 365 of IPC (Sections 363, 366-A, 342, 376 (2)(n) of IPC and Section 6 of POCSO Act were added later on), registered at Police Station Bahu Akbarpur, District Rohtak.

2. As per facts of case, complainant 'G' gave her statement to the police that on 03.03.2024 at about 12:00 O'clock, her daughter i.e. the victim 'K' left the house without saying anything and she did not return home till date. She enquired about her whereabouts from the neighbourhood but could not locate her. Ultimately, the matter was reported to the police and initially FIR No.37 dated 26.07.2023 was registered under Section 365 of IPC.

As per the status report, during investigation the victim was

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recovered on 05.03.2024. She was taken to CHC, Chiri for medical examination and her statement was got recorded under Section 164 Cr.P.C. before learned Magistrate, Rohtak. As per the record regarding age of the victim, her date of birth is 28.01.2007. In supplementary statement, the complainant and the victim disclosed the names of Sahil and Bijender. The offence under Sections 363, 366-A, 342, 376(2)(n) of IPC & Section 6 of POCSO Act were added later on by deleting the offence under Section 365 of IPC.

3. Learned counsel for petitioner argued that present petitioner was arrested on 08.03.2024. He has already joined the investigation. The statement of victim recorded under Section 164 Cr.P.C. is Annexure P-3. The counselling report dated 06.03.2024 is Annexure P-4. After the presentation of challan, statements of material witnesses have been recorded including the statement of mother of the victim as PW-11 (Annexure P-7) and statement of the victim recorded as PW-10 (Annexure P-11). Both these witnesses did not support the prosecution case. Prosecution evidence is still under progress. Petitioner is ready to abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. As per the status report, after completion of investigation challan was presented in the Court on 04.05.2024 and after framing of charge on 14.05.2024, six prosecution witnesses were examined. At the time of alleged occurrence the victim was minor. The allegations are specific and serious in nature. Other prosecution witnesses are yet to be examined. Considering these facts, petitioner is not entitled to be released on regular



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bail.

5. I have considered the arguments and have gone through the record. Admittedly, at the time of alleged occurrence, the victim was less than 18 years of age. At the time of giving report to the police, age of the victim was mentioned as 17 years. On completion of investigation, challan is already presented in the Court. Statements of material witnesses have been recorded i.e. mother of the victim and the victim herself where they did not support the prosecution case and were declared hostile. Other prosecution witnesses are yet to be examined. Entire prosecution evidence is to be appreciated by the trial Court at appropriate stage. Petitioner is behind the bars since 08.03.2024. Trial in this case may take some time. In the light of aforesaid factual position, without expressing my mind on merits of the case, regular bail petition filed by petitioner – Sahil is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

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

01.07.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No