



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-11224-2025 (O&M)

Date of decision: 05.06.2025

Narender @ Kala

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Samay Sandhawalia, Advocate for the petitioner(s)
(through V.C.).

Mr. Rahul Dev, Addl. AG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for the grant of regular bail to the petitioner in case bearing FIR No.214 dated 21.04.2024, registered under Section 363, 366, 376(2)(n), 376(3) and 212 of IPC, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Kharkhoda, District Sonipat.

2. As per the summon report, the complainant has already been served on whatsapp but there is no representation on her behalf.

3. Learned counsel for the petitioner contends that the FIR in the present case has been registered at the instance of the mother of the prosecutrix who got recorded her statement on 21.04.2024 to the effect that her eldest daughter Sxxxxxx aged 15 years was not found at home in the early hours on that day. She expressed suspicion against the petitioner for



having enticed her on the pretext of marriage. Thus, the present FIR was registered. The prosecutrix was recovered on 05.05.2024. He contends that on completion of the investigation the final report has been filed on 29.06.2024 and the charges were framed on 21.10.2024. He submits that 19 out of the 29 prosecution witnesses have already been examined including the prosecutrix as well as the complainant. Counsel contends that the prosecutrix in her statement recorded under Section 164 of Cr.P.C., as it was then, has specifically stated that she had gone with the petitioner on her free will and nothing wrong had happened to her. It is further submitted that in the statements of the prosecutrix as well as the complainant, they have not supported the case of the prosecution and have been declared hostile. The petitioner has already undergone actual custody for a period of 01 year and 26 days.

4. Learned counsel for the respondent-State, on the other hand, contends that during the medical examination, presence of semen were found on the clothes and *Salwar* worn by the prosecutrix. On a specific confrontation, he however is not in a position to refer to any evidence on the basis whereof it may be concluded that semen specimen found on the clothes of the prosecutrix matched with the petitioner herein. It is further not disputed that the petitioner has been in custody for a period of 01 year and 26 days and there is no other criminal case registered against him. He is also not in a position to dispute that the prosecutrix as well as the complainant i.e. mother of the prosecutrix, have not supported the case of the prosecution.



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5. I have heard the learned counsel appearing on behalf of the respective parties.

6. Taking into consideration the totality of the circumstances as also the statement of the prosecutrix under Section 164 of Cr.P.C. and also a testimony in Court alongwith the testimony of her mother-complainant and the absence of any scientific evidence to relate the semen to the petitioner, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

05.06.2025*Mangal Singh*

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