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

CRM-M-14164-2025

Date of decision: 28.05.2025

SHEETAL KUMAR**....Petitioner**

Versus

STATE OF UT CHANDIGARH**....Respondent****CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Davinder Kumar, Advocate
for the petitioner.

Mr. Dhruv Dayal, Additional Public Prosecutor
U.T., Chandigarh.

AMARJOT BHATTI, J.

Petitioner-Sheetal Kumar has filed present petition under Section 483 of BNSS, 2023/Section 439 of Cr.P.C. for grant of regular bail in FIR No.0102, dated 24.06.2024, under Section 376(2)(n) of IPC and Section 6 of POCSO Act, 2012, registered at Police Station Sector-39, Chandigarh.

2. As per facts of the case, prosecutrix gave her statement that she is 17 years old girl, studied up to 12 Class in Pauri Garhwal Uttarakhand. She was in search of good college for further studies. Therefore, she went to the house of her maternal uncle in Dehradun on 08.05.2024 along with her boyfriend Sheetal Kumar with whom she was having friendship for the last about 3 years through Instagram. On 10.05.2024, she came to Chandigarh and stayed with Sheetal Kumar in a rented room. Said Sheetal Kumar told her that he would marry her and made physical relations with her. When the prosecutrix protested, he



assured to perform marriage with her. Finally, she conceived and came to GMSH 16 Chandigarh where the doctor confirmed her pregnancy. The prosecutrix gave her willingness for abortion. However, when the doctor came to know that she was minor, the report was lodged with the police. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner is young boy of 19 years of age. It is not a case of forcible rape. Petitioner had joined the investigation and since 25.06.2024 he is behind the bars. Even statement of prosecutrix has been recorded where she has not levelled allegations of forcible rape against him. He will abide by the terms of bail order, therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing U.T., Chandigarh. It is pointed out that present petitioner is specifically named at the time of alleged offence when she was minor. Therefore, her consent does not carry any weight. Considering the gravity of offence, he is not entitled to be released on regular bail.

5. I have considered the aforesaid factual position. In the case in hand, petitioner was arrested on 25.06.2024. On completion of investigation, challan was presented and after framing of charge sheet, statements of prosecution witnesses are being recorded. Statement of prosecutrix recorded as PW-1 as well as her statement recorded under Section 164 Cr.P.C. are also annexed. Since the material witness has been recorded, therefore, there is no apprehension that petitioner can influence the witness. The evidence led before the trial Court will be appreciated at appropriate stage. Petitioner cannot be kept behind the bars for indefinite period. Therefore, without expressing my mind on the merits of the case,



regular bail petition filed by the petitioner – Sheetal Kumar 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.

(AMARJOT BHATTI)
JUDGE

28.05.2025
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No