



CRA-S-803-2025

-1-

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

203

**CRA-S-803-2025
Decided on:- 13.08.2025**

Fateh Singh**....Appellant**

Versus

State of Haryana and another**....Respondents****CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Ms. Pallavi Babbar, Advocate
for the appellant.

Mr. Viney Saini, AAG, Haryana.

Mr. Akash Aggarwal, Advocate
for respondent No. 2.

* * * * *

AMARJOT BHATTI, J.(Oral)

1. Appellant Fateh Singh has filed appeal against impugned order dated 05.02.2025 vide which his second regular bail has been dismissed by learned Additional Sessions Judge/Fast Track Special Court (POCSO), Karnal in FIR No. 202 dated 01.08.2022 under Section 376-AB IPC, 6 of POCSO Act and 3(2)(v) of SC & ST Act registered at Police Station Nigdhu, Karnal.

2. As per the facts of case, complainant 'M' gave his statement that he is father of victim 'S' age about 14 and a half years. On 01.08.2022, victim 'S' went to Government Hospital Nigdhu, Karnal alongwith her mother to get medicine. The doctor on medical checkup of his daughter disclosed that she was pregnant. His daughter used to go to the shop to buy household articles and Jyoti who was running beauty parlor used to send her daughter to Fateh Singh @ Sanju for indulging in wrongful activity.



With these allegations, present FIR was registered.

3. Learned counsel representing appellant stated that without proper appreciation of the facts of case, his regular bail application was wrongly declined vide impugned order dated 05.02.2025. There is no specific date or time when alleged offence of rape was committed. Challan in this case has been presented on 13.09.2022 (Annexure A-2). Statement of prosecutrix has been recorded in the Court as PW-1 (Annexure A-3) and her testimony is unreliable. Testimony of father of prosecutrix is recorded as PW-4 (Annexure A-4) who has not supported prosecution case and was declared hostile. Report of Forensic Science Laboratory, Madhuban, Karnal, Haryana is Annexure A-5. Bail application of Jyoti co-accused was allowed in CRA-S-2787-2022 vide order dated 09.01.2023 (Annexure A-7). However, CRA-S-212-2024 seeking regular bail was declined vide order dated 05.07.2024 (Annexure A-8). Present appellant is behind the bars since 03.08.2022. It is submitted that impugned order dated 05.02.2025 may kindly be set aside by accepting present appeal and he may be granted regular bail.

4. Appeal is opposed by learned counsel representing State. Learned counsel representing State filed detailed status report confirming allegations detailed in FIR. It is pointed out that prosecutrix has supported prosecution case. Challan in this case is already presented and statements of prosecution witnesses are being recorded. Present appellant is specifically named. There are specific serious allegations against appellant/accused. Whereas, prosecutrix at the time of said occurrence was a minor girl age about 14 and a half years. Therefore, considering the facts and gravity of offence, regular bail application was rightly declined by



CRA-S-803-2025

-3-

learned Additional Sessions Judge/Fast Track Special Court (POCSO), Karnal vide order dated 05.02.2025. Appeal preferred by appellant deserves dismissal.

5. I have considered the arguments and have gone through the record carefully. Earlier appellant had filed CRA-S-212-2024 seeking regular bail in aforesaid FIR which has been declined by the Coordinate Bench vide order dated 05.07.2024 (Annexure A-8). Appellant again filed second regular bail application before the trial Court which is again declined vide impugned order dated 05.02.2025. Facts of the case indicate that minor victim/prosecutrix was sexually exploited by Fateh Singh @ Sanju and as a result of this, minor victim/prosecutrix got pregnant. Trial in this case is going on. Statement of prosecutrix has been recorded as PW-1 (Annexure A-3), where she supported her version. On the other hand, father of prosecutrix was examined as PW-4 (Annexure A-4) where he did not support prosecution case and was declared hostile. Other prosecution witnesses are yet to be examined. Allegations are specific and serious in nature. Considering the gravity of offence, I do not find any reason to interfere in impugned order dated 05.02.2025 and same is accordingly, upheld and appeal preferred by appellant is accordingly, dismissed.

Appellant is behind the bars since 03.08.2022, therefore, considering long custody, trial Court is directed to expedite the trial.

6. Pending application(s), if any, also stands disposed of accordingly.

13.08.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No