



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

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CRM-M-12771-2025
Date of decision : 13.05.2025

Ashish @ TinkuPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Jyoti Chahal, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.507 dated 25.11.2023 registered under Sections 376(2)(n), 376(d) & 506 of Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offence Act, 2012 at Police Station Meham, District Rohtak.

2. Brief facts of the case are that on 25.11.2023, complainant/mother of the victim girl made a complaint to the police alleging therein that on 15.11.2023, Manjeet s/o Rajender and Ravinder @ Lalu s/o Raghbir had committed wrong act with her daughter 2/3 times forcibly and under threat to cause personal harm to her family members. On the basis of the said complaint, formal FIR was registered and investigation was conducted. The victim girl was got medically examined. Accused-Manjeet and Ravinder were arrested. In her

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statements recorded under Sections 164 and 161 of Cr.P.C., the victim girl levelled allegations of committing rape upon her by one more person namely Ashish @ Tinku s/o Ramphal (the present petitioner), who could not be arrested despite efforts and warrant of arrest against him was got issued from learned Area Magistrate in order to secure his presence. However, on completion of investigation qua both the co-accused, challan was filed against them before the Trial Court. Thereafter, on 12.03.2024, the petitioner surrendered before the Court and he was arrested and after completing all the legal formalities, supplementary challan was filed against him before the Trial Court.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the petitioner was not named in the FIR and he was implicated in the present case on the basis of statement of the prosecutrix recorded under Section 164 of Cr.P.C. on 26.11.2023 before the Judicial Magistrate First Class, Rohtak. He submits that the prosecutrix, who has been examined before the Trial Court as PW-1, has not supported the case of the prosecution and has resiled from her earlier statement recorded under Section 164 of Cr.P.C. To the same effect is the statements of PW-2 complainant-mother of the prosecutrix, and PW-3 father of the prosecutrix. He submits that the petitioner is in custody since 12.03.2024 and he is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 23 prosecution witnesses, 18 have been examined so far. He further

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submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. On the other hand, learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that the petitioner had committed rape with the prosecutrix, who was less than 17 years of age at the time of incident. However, she conceded the fact that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 23 prosecution witnesses, 18 have been examined. She has also filed custody certificate dated 12.05.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 01 year and he is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody period of the petitioner, which is 01 years and 02 months and the facts that the prosecutrix, complainant, who is mother of the prosecutrix and her father have not supported the case of the prosecution in their statements recorded before the Trial Court; investigation is complete; challan has been presented; charges have been framed; out of total 23 prosecution witnesses, 18 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his



furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.
8. 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.

13.05.2025

(NAMIT KUMAR)
JUDGE

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No