



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

CRM-M-17647-2025

Reserved on 08.07.2025
Date of decision : 18.07.2025

Ramita @ RavitaPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: Mr. Bipin Ghai, Senior Advocate assisted by
Mr. Nikhil Ghai, Mr. Akhil Godara and Ms. Malini Singh,
Advocates 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.458 dated 01.07.2022 registered under Sections 365, 376(2)(n), 323, 328, 120-B, 506 & 509 of IPC, 1860; Sections 6 & 17 of POCSO Act, 2012 and Section 67 of I.T. Act, 2000 (Sections 370-A, 201, 376DA & 34 of IPC and Section 10 of POCSO Act were added and Section 67 of I.T. Act was deleted later on) at Police Station City Rohtak, District Rohtak.

2. Reply by way of an affidavit of Ravi Khundia, HPS, Deputy Superintendent of Police, Rohtak, on behalf of the respondent-State, filed in the Registry is taken on record.

3. Brief facts of the case are that on 01.07.2022, mother of the victim girl made a complaint to the police stating therein that on



30.06.2022 at about 8:00 p.m., her daughter, who is 15 years old, had gone from home to fetch milk but she had not returned. She tried to search her everywhere but in vain. On the basis of the said complaint, formal FIR was registered under Section 365 of IPC and investigation was launched. On 02.07.2022, the victim girl was recovered from the office of Ex-MC Neelam in Rohtak. Her earlier statement under Section 164 of Cr.P.C. was got recorded on 02.07.2022 in which she stated that no wrong act has been done with her. However, on 06.07.2022, the prosecutrix herself moved a representation to the Superintendent of Police, Rohtak, stating therein that her date of birth is 28.05.2007 and she is studying in 10th class. There was a woman, namely, Diksha who was residing in their neighbourhood after leaving two streets from her house and she was on visiting terms with them. She herself also used to go to her house. Ramita (the present petitioner) was a tenant in the house of Diksha. On 29.06.2022, in the morning, she went to the house of Diksha and told her about pain in her stomach due to kidney stone as well as about fever of her mother. She asked Diksha to get her checked up in some hospital but due to rain on that day, Diksha could not take her to any hospital. However, she remained with Diksha till 7.00 P.M. on that day. Their financial condition was very poor as her father remained absent from home and her mother remained ill so, she asked for a loan of Rs.6000/- from Diksha with assurance that she would return the loan as soon as her mother got well. Upon this, Diksha asked the petitioner for Rs.6000/- for her as loan. Then, the petitioner stated that she did not have so much money but there was some work by doing

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which, she could get huge money as she would send her with someone to establish physical relations with him and she would get Rs.10,000/- in lieu thereof. She (the victim), however, flatly refused the offer and started to go back to her house. When she had walked some distance, Diksha called the victim and then, the petitioner told her that she can understand her plight, so, she should now go back to her house but to return as the petitioner would arrange money in the meantime for her. At that time, the petitioner had clicked her several photos with mobile phone, which she forwarded to one Vikas. Thereafter, she had gone back to her house and on that very day, at about 7.30 P.M., she had again gone to the house of Diksha to meet the petitioner, on the pretext of fetching milk, where she had asked Diksha, in presence of the petitioner, to handover Rs.6000/- to her and said that she would return the same very soon. Both Diksha and the petitioner had asked her to sit there for a short while as their some acquaintance was bringing the money. During this waiting period, Diksha and the petitioner continued to have flimsy talk with her and then, she was given meal. After meal, she laid down in the room of Diksha and fell asleep without any such intent. Then at around 2.00 A.M., the petitioner made her to wake up lovingly and told her that the person, bringing money, had come. She became happy and got up but then she noticed that in that room, four young persons, between the age of 28-30 years, were already sitting, who along with the petitioner were taking drugs. She came out of the room as she realized that something was wrong and told the petitioner and Diksha that she wanted to go back to her house but both of them



threatened her that if she made hue and cry, she would face dire consequences but if she acceded to their wishes, they would enable her to get huge money. She got perplexed and unable to understand to what to do. Then, Diksha offered tea to her but after drinking the same, she started feeling somewhat strange. At about 3.30 A.M., Diksha and the petitioner had changed her clothes and kept her clothes, which she was wearing earlier, with them. They got her to put on pajama and T-shirt and handed over a polythene containing two pairs of clothes. She was then made to sit in a car parked outside the house. The above-mentioned four persons also came out and boarded the car. She was laid down on the back seat. Due to intoxication, she fell asleep and did not know as to where the vehicle was going. At about 8.00/8.30 A.M., on 30.06.2022, when she regained her consciousness and peeped out of the vehicle, she saw a temple as well as a sign board written with word 'Rajgarh'. It was appearing a desert area. She again inquired from those persons as to why they had brought her and where she was being taken. Upon which, all these persons abused her and threatened to kill her if she made noise. Thereafter, those persons, on the way, made one other person to sit in the vehicle and then, they all took her to a house which was surrounded by two other houses. There were 3-4 more persons already present in that house. She was given something to eat and after eating the same, she became almost unconscious. In her that condition, one person forcibly established physical relations with her against her wishes. Thereafter, at around 12 O'clock, one of those persons, whom they were addressing as Vikas, took her to another place on motorcycle



and telephonically called one other person there, who also developed physical relations with her while Vikas was standing outside. Thereafter, the said person left from there and, since she was still not knowing as to what was happening with her, she again fell asleep. At around 5.00 P.M., Vikas woke her up and made her to sit in a vehicle of some other person. That person took her to a deserted kothra situated in the agriculture fields and committed wrong act with her twice by force. Then, that person telephoned Vikas and called him there. There was an altercation between them due to money, after which Vikas took her to a hut type deserted place and he telephonically called another person there. That person came in a vehicle (Chhota Hatthi) and on the asking of Vikas, he took her inside the hut and committed rape upon her against her wishes. Then, Vikas took her back to the first house. It was now around 10.00 P.M. Some persons were already drinking in that house. They impressed upon her to refuse for medical examination as the matter would be worried then and there on her refusal for medical examination, otherwise, they would be implicated unnecessarily. So, under the fear and pressure of those police persons, she refused for her medical examination. Meanwhile, her mother had got lodged missing report vide present FIR No.458 dated 01.07.2022, which was recorded under Section 365 IPC in respect of her but the police did not take any action on this report and filed the same by putting pressure upon them. She was presently going through a lot of mental trauma because a heinous crime had been committed with her and earlier, due to trauma, she could not disclose about the same, however, now she wanted that all



the culprits be punished strictly. On the basis of statement of the victim girl, Sections 323/328/376(2) (n)/120B/506/509 IPC; Section 67 of IT Act; and Section 6/17 of POCSO Act were added to the initial FIR under Section 365 IPC. However, consequent upon verification of allegations, Section 67 of IT Act was deleted and Section 370A IPC was added. The victim girl was again medico-legally examined and case property was collected. After collecting sufficient incriminating material, the petitioner as well as other accused-persons namely Diksha, Vikas, Maan Singh, Mahesh, Vinod, Sombir and Pawan were arrested and interrogated. Accused Vikas, Maan Singh, Mahesh, Vinod and Sombir were got medico-legally examined. The victim girl was again produced before the learned Judicial Magistrate and her statement under Section 164 Cr.P.C. was again got recorded on 08.07.2022. Then, counseling was provided to the victim girl. Age proof of victim girl was also obtained, as per which, she was born on 28.05.2007. During investigation, Section 201 of IPC and 10 of POCSO Act were added. Ertiga vehicle, motorcycle Pulsar as well as Zen Estilo LXI, allegedly used in the commission of crime, were recovered. During further investigation, Section 376DA/34 IPC was also added. Case property in respect of victim girl and in respect of co-accused, named above, was collected, which was later-on deposited in FSL Division for DNA profiling while mobile phone was deposited with DITAC Lab, Panchkula for data extraction. Remaining culprit, namely, Vinod was yet to be arrested. After completion of the investigation, challan report under Section 173 Cr.P.C. (later-on supplementary report submitted)



was filed in the Court against the accused persons including the petitioner for trial.

4. Learned Senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. In her first statement recorded under Section 164 of Cr.P.C. on 02.07.2022, the prosecutrix stated that on 30.06.2022, in the evening at 7:15 p.m., she had gone to the PGI emergency ward as she was suffering from kidney stone pain. However, due to heavy rain, she could not return home and slept in the hospital. She clearly stated that no wrong act has been done with her and she does not want any action against anyone and she also refused to get medically examined. However, after four days of making statement under Section 164 of Cr.P.C. that no wrong act has been done with her, the prosecutrix made a representation dated 06.07.2022 to the Superintendent of Police, Rohtak making serious allegations against the petitioner along with other co-accused and on the same very day she was got medically examined. He submits that as per MLR prepared by Civil Hospital, Ambala, there were no sign of any external injury or any marks of struggle on the body of the prosecutrix. He further submits that co-accused Sombir, Vinod, Pawan and Mahesh, against whom allegations were of committing sexual intercourse with the prosecutrix without her consent, have already been granted concession of regular bail by the Court of learned Additional District and Sessions Judge, Rohtak vide orders dated 28.07.2023, 01.08.2023, 03.08.2023 & 05.08.2023, respectively, on the ground that the prosecutrix, who has been examined before the Trial



Court as PW-1, has failed to identify them as accused in the commission of crime.

5. Learned Senior counsel for the petitioner further submits that the petitioner is in custody since 07.07.2022 and she is not involved in any other case. He also submits that the investigation in the present case is complete; challan stands presented and out of total 30 prosecution witnesses, 22 have been examined so far. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

6. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of regular bail to the petitioner. She submits that the allegations against the petitioner are serious in nature and she is the main conspirator of the incident. She further submits that in her second statement recorded under Section 164 of Cr.P.C. on 08.07.2022, the prosecutrix had made a specific allegations against the petitioner. She further submits that most of the prosecution witnesses i.e. 22 out of 30 have already been examined and the trial is likely to concluded very soon. She has also produced the custody certificate dated 07.07.2025 which is taken on record. As per the said custody certificate the petitioner is in custody for the more than three years and she is not involved in any other case.

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

8. As per the prosecution, the prosecutrix had given detailed



representation to the Superintendent of Police, Rohtak regarding her sexual exploitation by the accused persons. She had given her statement dated 08.07.2022 under Section 164 of Cr.P.C. and had made a specific allegations against the petitioner that the petitioner along with co-accused Diksha gave her some intoxicant substance, changed her cloths and after taking money from the other co-accused, she had given the custody of the prosecutrix to them, who have taken her to Rajasthan, where some unknown persons committed rape 4 to 5 time at different places upon her in a single day by giving her intoxicant substances. Further, in her deposition recorded before the Trial Court as PW-1, the prosecutrix has supported the case of the prosecution by reiterating the allegations made by her against the petitioner in her statement dated 08.07.2022 recorded under Section 164 of Cr.P.C. The medical report also supports her case.

9. In so far as the grant of regular bail to other co-accused is concerned, the role of the petitioner stands on a different and more serious footing than the other accused persons, as she is the main accused who has initiated the process of enticing the minor girl of 15 years, by taking undue advantage of her vulnerable financial condition, which resulted ultimately to the sexual exploitation of the victim.

10. Further, the POCSO Act represents the legislative intent to provide stringent protection to children from sexual offences, and the Courts, as guardians of justice, have a solemn duty to ensure that this legislative objective is not defeated by a liberal approach to bail in such serious cases. Merely because the petitioner is behind the bars for a



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considerable time, is no ground by itself for grant of regular bail to the petitioner. Hon'ble Supreme Court in ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav : AIR 2004 SUPREME COURT 1866***, has considered this issue and observed as under:-

“13.....In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

11. Moreover, the Hon'ble Supreme Court in case ***Special Leave Petition (Criminal) No.13378 of 2024 titled as 'X Vs. State of Rajasthan and another'*** decided on 27.11.2024 has held that in cases involving serious offences like rape, murder, dacoity etc., the Courts should be loath in entertaining the bail application, once the trial commences and the prosecution starts examining its witnesses.

12. At the threshold, the facts of the present case are disturbing which indicate that this a case, where a minor girl of 15 years, belonging to a poor family has been raped by accused persons at the instance of a criminal conspiracy hatched by the present petitioner, who had enticed the victim by alluring her with money consideration in the shape of financial assistance by taking undue advantage of financial condition of the minor girl and her family and thereafter intoxicated her



and forced her to indulge in sexual exploitation by the main accused, who facilitated other accused persons to commit heinous crime of rape upon her and, therefore, this Court has no hesitation to say that the facts and circumstances of the present case also smells to have roots in the immoral child/human trafficking networks, which now-a days are actively prevalent in the weaker sections of the society.

13. The contention raised by learned senior counsel for the petitioner *qua* changed stand of the minor victim in her two statements recorded under Section 164 of Cr.P.C. could not appeal this Court and is wholly untenable, since it is an undisputed fact that the custody of the minor girl was handed over to her family only after recording of her first statement under Section 164 of Cr.P.C. on 02.07.2022, during which she was still in police custody, which connotes that at that point of time she was evidently in great mental trauma and not in a balanced state of affairs to record her statement, whereas in her subsequent statement recorded under Section 164 of Cr.P.C. on 08.07.2022 recorded after she re-united with her family and placed in comparatively secure environment, she has narrated her entire ordeal of repeated sexual assault committed upon her by the accused persons detailing as to how she has been enticed by the present petitioner and facilitated her sexual exploitation by delivering her custody from one accused to another, where she kept weeping profusely to be allowed to return home but could not rescue herself being helpless and trapped. These statements reflect the grave nature of the offence and the active role of the petitioner, leaving no room for leniency at the stage of bail.



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14. In view of the above, the petitioner *prima facie* cannot be considered as innocent or falsely implicated in the present case, since there is sufficient and ample documentary evidence against the petitioner, indicating her involvement in luring and exploiting the minor victim girl and by facilitating and aiding the accused persons in perpetrating the heinous crime of rape upon her. In case such kind of wrong doers, as like the petitioner, are granted protection of any kind in the wake of increasing menace and rising crimes under the provisions of POCSO Act, it will give wrong impact on the society at large, especially on the weaker sections of the society, being the most vulnerable lot. Therefore, keeping in view the seriousness of the offence committed by the petitioner, this Court is of the considered opinion that in case the petitioner is granted the concession of anticipatory bail, it would go against the object and purpose of the legislature, which has enacted the POCSO Act as special enactment, which aimed at providing robust protection to children from sexual offences.

15. Dismissed.

16. However, keeping in view the custody of the petitioner, the trial court is directed to conclude the trial expeditiously and 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.

18.07.2025

kothiyal/mkaundal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes