



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

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**CRM-M-18368-2025 (O&M)
Date of Decision: 17.09.2025**

ROHIT

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Ashish Jhamb, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sapan Dhir, Advocate (through video conferencing)
and Mr. Raj Kumar, Advocate for the complainant.

SHALINI SINGH NAGPAL, J. (ORAL)

Petitioner seeks regular bail in case arising out of FIR No. 114 dated 26.09.2024, under Section 140(3) Bharatiya Nyaya Sanhita, 2023, Police Station Bhupani. Offences under Sections 61(2) BNS and Sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012, were added later on. This is his first petition for regular bail.

Learned counsel for the petitioner submits that the case was false and planted. Referring to Annexure P-1, copy of first statement of the prosecutrix under Section 183 BNSS, he submits that in the first instance, prosecutrix claimed that she left home after her mother scolded her and went to her uncle's house but later on, under pressure of her parents, she accused the



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petitioner of penetrative sexual assault. It was urged that petitioner was in custody w.e.f. 17.01.2025 and as per report of DNA analysis, no semen was detected on the vaginal swab or underwear. It was argued that the case was at initial stage and would take time to conclude. In support of his prayer for bail he referred to judgment of this Court in **CRM-M-33866-2024** decided on **23.07.2024** titled ***Pardeep Sharma Vs. State of Haryana.***

Learned State counsel has filed status report in the form of affidavit of Rajeev Kumar, HPS, Assistant Commissioner of Police, Central Faridabad and has also placed on record custody certificate of the petitioner. The prayer for bail has been opposed on the ground of serious nature of allegations. It is stated that in case of release, the petitioner may misuse the concession.

Heard.

Father of the prosecutrix, vide his complaint dated 26.09.2024 informed the police that his minor daughter aged 15 years, left home on 25.09.2024 at around 2.30 and was not traceable. During investigation, the victim child was recovered on 28.09.2024 and her statement was recorded. She claimed that she left home on 25.09.2024 after being scolded by her mother and went to the house of her uncle. Initially, the victim child refused for medical examination. Later, on 29.09.2024, her underwear and vaginal swabs were taken into possession. Her statement under Section 183 BNSS was recorded again. She stated that she became friendly with her neighbour Rohit and on



23.08.2024, Rohit took her to Badarpur border. 10-15 days before 23.08.2024, Rohit forcibly committed penetrative sexual assault but she did not disclose the matter to anyone out of fear and threat.

Considering the substance of allegations against the petitioner which have surfaced in statement under Section 183 BNSS of the prosecutrix and the fact that the prosecutrix is yet to be examined, no ground is made out to release the petitioner on bail. The possibility of the petitioner influencing the witnesses during trial and tampering with evidence cannot be ruled out. As such, the petition is hereby dismissed.

Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case.

(SHALINI SINGH NAGPAL)
JUDGE

SEPTEMBER 17, 2025.
Ajay Goswami

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