



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

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CRM-M-20335-2025

Date of decision : 11.08.2025

Nitesh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Neeru Bansal, Advocate for the petitioner.

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

NAMIT KUMAR, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.179 dated 05.06.2024 registered under Section 376 of Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offence Act, 2012 at Police Station Bahalgarh, District Sonipat.

2. As per para 14 of the status report filed on behalf of the respondent-State, the victim/complainant has been duly informed about the pendency of the present petition. However, there is no representation on her behalf.

3. Brief facts of the case are that on 05.06.2024, the victim made a complaint to the police alleging therein that her age is 16½ years. She met with Nitesh (the present petitioner) about 08 months age in a wedding function in Samalkha. After that she started talking to him on phone. On 01.05.2024, she got a call from the petitioner who called



her outside her house to talk and after that he took her to R.K. Guest House, Bahalgarh and did wrong act with her without her consent. He started giving her false assurance of marriage. After that on 04.06.2024, she reached at Sonipat Railway Station to end her life. There her known namely Sunil saw her and talked her and took her to her home. Her family members interrogated her and asked the reason for ending her life. So, she herself told the whole incident to her family members. She prayed to take legal action against the petitioner. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. There is unreasonable and unexplained delay of more than one month in registration of FIR as the alleged incident took place on 01.05.2024 and the FIR was got registered on 05.06.2024. He submits that there are material contradictions in the statements of the prosecutrix recorded under Section 164 of Cr.P.C. and before the trial Court. In her statement recorded under Section 164 of Cr.P.C., the prosecutrix, while reiterating the allegations made in the FIR, stated that on 01.05.2024, the petitioner took her to R.K. Guest house and whereas in her statement recorded before the trial Court as PW-1, she has stated that on 01.05.2024, the petitioner took her to a room belonging to his friend. She has not even disclosed the name of the friend of the petitioner. He submits that on 05.07.2024, the police has also recorded the statement of Kuldeep Pal, owner of R.K. Guest House, wherein he categorically stated that on 01.05.2024, a boy and girl came to his guest house, who introduced



themselves as husband and wife, stating that they had come to Bahalgarh for some work and needed a room to rest. By their appearance and behaviour, it seemed that they were indeed a married couple as they were holding hands and conversing happily. They also provided copies of their Aadhar Cards as ID proof. He further submits that from the statement of owner of R.K. Guest House, it is clear that the relationship between the petitioner and the prosecutrix was consensual as there was no hue and cry by the prosecutrix at the Guest House. He also submits that the prosecutrix also refused to get medico legally examined.

5. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 23.06.2024 and not involved in any other case. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 19 prosecution witnesses, 05 have been examined and 01 i.e. father has been given up. 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 on the ground that the allegations against the petitioner are serious in nature. The petitioner has committed rape upon the prosecutrix, who is minor, without her consent. However, she could not refute the factual position that out of total 19 prosecution witnesses, 05 (including the victim) have been examined so far and 01 i.e. father has been given up. She has also filed

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custody certificate dated 10.08.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars since more than last one year and he is not involved in any other case.

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

8. Keeping in view the custody period of petitioner which is 01 year, 01 months and 18 days and the facts that there are material contradictions in the statement of the prosecutrix recorded under Section 164 of Cr.P.C. and in her statement recorded before the trial Court; investigation has been completed; challan has been presented; charges have been framed and out of total 19 prosecution witnesses, 05 (including the victim) have been examined so far and 01 i.e. father has been given up; 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.

9. The petition stands disposed of accordingly.

10. 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.

11.08.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No