



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

214

CRM-M-21014-2025

Date of decision : 06.08.2025

Krishan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kushager Goyal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, A.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.361 dated 22.06.2023 registered under Sections 363 & 366-A of Indian Penal Code, 1860 (Section 6 of Protection of Children from Sexual Offence Act, 2012 and Section 376(2)(n) of IPC were added later on) at Police Station Adampur, District Hisar.

2. Status report dated 05.08.2025 by way of an affidavit of Sh. Kishori Lal, HPS, Deputy Superintendent of Police, Agroha, Hisar, on behalf of the respondent-State, has been filed in the Court today which is taken on record. As per para 15 of the status report, the complainant has been informed about the pendency of the present petition. However, there is no representation on behalf of the complainant.

3. Brief facts of the case are that on 22.03.2023, father of the prosecutrix made a complaint to the police alleging therein that on



21.03.2023 at about 10 P.M., his daughter, aged about 17 years, went to the toilet and did not return home. He tried to trace out her on his own but did not find her. On the basis of the said complaint, the instant FIR was registered. During investigation, the prosecutrix was recovered and her statement before Legal Aid Counsel was got recorded in which she stated that in the month of March, one day when she had gone to Mandi Adampur Market, accused-Krishan (the present petitioner) forcibly gave his mobile number to her and told that if she will not call him, then he will kill her parents. Prior to 20 days of lodging of the instant FIR, he forcibly took her to the field and committed wrong act with her and threatened her not to disclose the incident to anyone, otherwise he will kill her parents. On 21.06.2023 at about 9/9:30 P.M., he again forcibly committed wrong act with her in their fields and threatened her to sit in the vehicle otherwise he will kill her. Thereafter, he took her to the house of her Bua and again committed wrong act with her. On the basis of her statement, offences under Sections 376(2)(n), 506 of IPC and Section 6 of POCSO Act were added.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix and her father-complainant, who have been examined before the Trial Court as PW-1 and PW-2, respectively, have not supported the case of the prosecution and have turned hostile. In her statement recorded before the Trial Court, the prosecutrix stated that the petitioner never gave his mobile number to her nor he extended threats to kill her and her parents. He neither took her anywhere nor committed rape upon her. She has no



complaint/grievance against him. She further stated that the statement given by her under Section 164 of Cr.P.C. was due to some misunderstanding and under the pressure of police and relatives.

5. Learned counsel for the petitioner has also referred to the medical report of the prosecutrix, wherein it has been stated that “no fresh external injury marks seen over body at the time of medical examination”. He further submits that the petitioner is behind the bars since 16.08.2024. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 20 prosecution witnesses, only 03 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 on the ground that the petitioner has forcibly committed rape upon the prosecutrix and at the time of occurrence her age was 17 years and 08 months. He further submits that the petitioner is also involved in 03 other cases. However, he could not refute the factual position that out of total 20 prosecution witnesses, only 03 have been examined so far. He has also filed custody certificate dated 21.07.2025 which is taken on record. As per the custody certificate, the petitioner is behind the bars since last more than 11 months.

7. To controvert the contention made by learned State counsel that the prosecutrix was minor at the time of occurrence, learned



counsel for the petitioner has referred to the statement of the prosecutrix recorded before the Trial Court, wherein she has stated that she is 22 years of age. He further submits that out of 03 other cases, in 02 cases the petitioner has already been acquitted and in 01 case he is on bail.

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

9. Keeping in view the custody period of petitioner which is 11 months and 05 days and the facts that the prosecutrix and her father (who is complainant) have not supported the case of the prosecution in their statements recorded before the Trial Court and have turned hostile; investigation has been completed; challan has been presented; charges have been framed and out of total 20 prosecution witnesses, only 03 have been examined so far; the determination of actual age of the prosecutrix shall be a question of trial 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.

10. The petition stands disposed of accordingly.

11. 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.

06.08.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No