



CRM-M-24168-2025(O&M)

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

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CRM-M-24168-2025(O&M)
Date of Decision: 07.07.2025

Shubham

..... Petitioner

VERSUS

State of Haryana & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Akash Vashisth, Advocate and
Mr. Amit Kaushik, Advocate
for the petitioner.

Mr. R.S. Chauhan, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

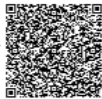
1. The instant petition has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.95, dated 12.06.2024 registered under Sections 376-D, 342, 506 IPC and Section 6 of POCSO Act, 2012 and Section 66e, 67-A of Information Technology Act (Amendment), 2008 (later on Sections 8, 17 of POCSO Act, 376(2) (n), 354, 34 IPC added and Section 276-D deleted subsequently), at Women Police Station Jind, District Jind.

2. Brief facts of the case are that the abovesaid FIR was registered on 12.06.2024 on the statement made by complainant-Rambir (father of the prosecutrix) stating that his daughter aged 17 years studied in 12th Standard. On 01.12.2023, she had gone to attend her friend's birthday at Galaxy Restaurant. When the party was over, some boys started saying that in the



upstairs room, her friend was calling her. When she went to the upstairs room, three-four boys caught hold her. One boy named Rajat Kale did wrong with her and other boys Shubham (petitioner), Shivam and Darpan made her smell something. Later on, complainant got to know that accused persons have made some video of her daughter. Thereafter, many times, on pretext of publishing the video, they did wrong act with complainant's daughter. Petitioner-Shubham has sexually assaulted his daughter many times. She told them many times that she will tell everything to her family, but they said that if she disclosed to her family then they will make this video viral. The petitioner threatened to prosecutrix to send her younger sister to him otherwise they will make the video viral. She fed up with these variables, she told everything to her family. Hence, the present FIR.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is innocent and has been falsely implicated in the present case. The only allegation against the petitioner is that in the month of January, Rajat and Shubham (petitioner) took the prosecutrix to some place and she was seated on the bike between them and the present petitioner while sitting behind has teased the prosecutrix. He has further referred to the contents of the FIR, wherein main allegations of committing rape is against Rajat. He further submits that the petitioner is in custody since 17.06.2024. He further submits that there are total 26 prosecution witnesses and none has been examined as yet. He further submits that the prosecutrix and their parents are not appearing before the Court to record their statements and the co-accused namely Shivam has been granted regular bail by the Court of learned Additional Sessions Judge, Fast Track, Special Court, POCSO, Jind, vide



order dated 11.04.2025 (Annexure P-8) by recording this fact that the victim and her parents have not appeared before the Court to depose despite of their personal service and bailable warrants of her parents. He further 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. Per contra, learned State counsel, could not dispute the abovesaid factual aspect as narrated by learned counsel for the petitioner and has placed on record the status report by way of affidavit of Sonakshi Singh, IPS Additional Superintendent of Police, Jind.

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

6. Keeping in view the custody period of the petitioner and the fact that the co-accused namely Shivam has been granted regular bail by the Court of learned Additional Sessions Judge, Fast Track, Special Court, POCSO, Jind, and also the fact that 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 concerned.

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.

07.07.2025

monika

(NAMIT KUMAR)
JUDGE

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