



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

CRM-M-36152-2025 (O&M)

Date of Decision:16.07.2025

Hakam @ Kala

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Waqar Ahmed Khurshid, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, for grant of regular bail to the petitioner in case bearing FIR No.537 dated 13.11.2023 under Sections 365, 452 and 506 of IPC and Sections 4 and 18 of POCSO Act, registered at Police Station Sadar Nuh, District Nuh.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for about 05 months and the investigation has been completed and thereafter the challan also stands presented. He submitted that the complainant has been examined. He further submitted that no wrongful act was committed by the petitioner and the allegations against him are false. He also submitted that during the course of the trial, the prosecutrix did not support the prosecution's case



and was declared hostile and therefore the petitioner may be considered for grant of regular bail.

3. On the other hand, learned State counsel, on instructions from ASI Saroj, submitted that it is a case where the complainant, who is the mother of the victim, lodged an FIR alleging that her 14 years old daughter was taken away by the petitioner and one other co-accused after entering into the house of the complainant and they attempted to rape her and also broke the string of her *salwar*. He submitted that, as per the RFSL report, human semen was detected on the victim's clothing, however, the DNA report is still awaited. He further submitted that the petitioner absconded after the occurrence and was arrested after a period of about one and a half years and considering his past conduct, there is every likelihood that if he is released on bail, he may again abscond from justice. He also submitted that the mere fact that at the time of the trial, the prosecutrix did not support the prosecution and was declared hostile, itself cannot become a ground for grant of regular bail to the petitioner, considering the totality of circumstances and the allegations made in the FIR. Therefore, he opposed the grant of bail to the petitioner.

4. I have heard the learned counsel for the parties.

5. It is a case where a complaint was lodged by the complainant, alleging that her minor daughter of the age of 14 years was taken away by the petitioner and another co-accused and thereafter direct role has been attributed against the petitioner in the FIR itself (Annexure P-1) with regard to the commission of rape. Although, as per learned counsels for the parties, the prosecutrix was declared hostile during the trial but at the



same time learned State Counsel has also stated that after the occurrence, the petitioner fled away and was arrested approximately one and a half years later. The apprehension expressed by the learned State Counsel that, if the petitioner is released on bail, he may abscond from justice, carries weight and cannot be ignored. Therefore, considering the seriousness and gravity of the offence along with the specific role attributable to the petitioner, this Court does not deem it fit and proper to grant bail to the petitioner, even though the prosecutrix has turned hostile.

6. Finding no merit in the present petition, the same is hereby dismissed.

7. 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.

(JASGURPREET SINGH PURI)
JUDGE

16.07.2025

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