



CRM-M-40037-2024

-1-

214

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

CRM-M-40037-2024

Date of Decision:-16.05.2025

Sagar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Shiv Charan Bhola, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Sagar has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.152 dated 26.04.2023, under Section 06 of POCSO Act and Sections 376, 506 of IPC, 1860, registered at Police Station Mullana, District Ambala.

2. As per facts of the case, prosecutrix 'P' aged about 15 years gave her statement that she along with her family was residing in village Dhanori for the last three years. She and her family were working at Dharampal Sugarcane Crusher. Sagar also used to work there with whom she was familiar. On the night of 06.03.2023, he called her and when she went out, he pulled her towards a plot and by threatening her did wrongful act with her. She was threatened not to disclose about it to anybody otherwise he would kill her. After 2-3 days on the day of Holi festival, he again did wrongful act with her against her wishes. She did not tell about

**CRM-M-40037-2024****-2-**

this to anybody in the family. She suspected her pregnancy and told everything to her mother. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that version put forward by the prosecutrix is improbable. There is long delay in lodging the FIR. The age of prosecutrix is debatable. He was arrested in this case on 27.04.2023 and since then, he is behind the bars. He is ready to abide by the terms and conditions of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. The facts narrated in the FIR are confirmed. It is pointed out that at the time of said occurrence, victim was minor. She disclosed about the occurrence to her mother when she suspected her pregnancy. The victim was medically examined. Present petitioner was also arrested. The victim got her statement recorded before the learned Judicial Magistrate under Section 164 Cr.P.C. (Annexure R-3). The pregnancy of the victim was terminated and the parcel of product of conception was sent to CFSL, Sector 36, Chandigarh for examination. On completion of investigation, challan was presented. Learned counsel representing State pointed out that prosecution has already concluded its evidence. Therefore, the trial is at its fag end.

5. I have considered the arguments and have gone through the record carefully. There are serious specific allegations against the present petitioner. At the time of said occurrence, prosecutrix was 15 years of age, thus a minor. She became pregnant. Report of FSL is Annexure R-4,



CRM-M-40037-2024

-3-

according to which it was concluded that no fetal DNA could be recovered from the product of conception of the victim. However, the entire prosecution evidence has to be looked into by learned trial Court. The allegations are specific and serious in nature. Therefore, I do not find a fit case for grant of regular bail to the petitioner and his regular bail petition is accordingly declined.

Considering the long custody of petitioner, learned trial Court is directed to expedite the trial.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

16.05.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No