



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

(213)

**CRM-M-44743-2024 (O&M)**

**Date of Decision: 23.09.2025**

BHUSHAN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Navmohit Singh, Advocate  
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

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**KIRTI SINGH, J. (ORAL)**

**CRM-13562-2025**

Allowed as prayed for subject to all just exceptions. Annexures  
P-3 and P-4 are taken on record.

**CRM-M-44743-2024**

1. The jurisdiction of this Court under Section 439 Cr.P.C. has  
been invoked for grant of regular bail to the petitioner in case FIR No.357  
dated 03.08.2022, under Sections 376(2)(n), 450 and 506 of IPC and  
Sections 6 and 8 of POCSO Act, registered at Police Station Sirsa Sadar,  
District Sirsa.



2. The translated version of the FIR is reproduced below:-

*“I am xxxx D/O Shyam Lal, age 16 years, resident of village Old Kelaniya, district Sirsa, Mo. 80591-xxxxx I have stated that I study in 8th class in government school in Kelaniya. Bhushan son of Mahendra lives in our neighborhood. I have known Bhushan for about 3 months. That Bhushan keeps coming and going to our house. About 15 days ago, I was alone at home. Bhushan came to our house at 3 o'clock in the day and said that I love you, I want to marry you, if you don't marry me, I will defame you. He told me that he wanted to have sex with me, but when I refused, Bhushan forcefully did wrong things to me. He told me that if I tell anyone, He will kill me. Yesterday, on 02.08.2022, at around 10 pm, Bhushan came to our house and on the pretext of taking me to the vacant plot adjacent to our house and did wrong things with me. Today I told everything to my mother during the day and my mother brought me to the police station today. Legal action should be taken against Bhushan son of Mahendra, resident of Kelaniya. I am giving this statement in front of my mother. I have written what I have written, I do not want to say anything else. ISD/- MONIKA RTI xxxx attested Sunita Rani SI, PS Sadar Sirsa Dated 03.08.2022. xxxx”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement made by the prosecutrix under family pressure, alleging therein that the petitioner had committed wrong acts with her without her consent. It is submitted that the petitioner and the prosecutrix were well known to each other. Further, the statement of the mother of the prosecutrix has been recorded before the learned trial Court, wherein she did not support the case of the prosecution.



The petitioner is a 33 year old man of clean antecedents, and has undergone an actual custody of 3 years, 1 month and 18 days.

4. Learned State counsel has opposed the prayer of the petitioner and submits that there are specific serious allegations against the present petitioner of committing aggravated penetrative sexual assault upon the prosecutrix. A perusal of the status report reveals that the prosecutrix was minor at the time of alleged occurrence, her date of birth being 13.10.2007 as per the birth certificate. During the course of investigation, the samples of the prosecutrix and the petitioner were sent for forensic analysis, and the same is positive. Relevant portion of the report is reproduced hereinbelow:-

*“Human semen was detected on exhibit 1-a (slides), exhibit 1b( swab), exhibit-2 (salwar of victim). However, semen could not be detected on exhibit-3 (public hair) & exhibit-4 (glan’s penis swab).”*

5. It was thus that challan was presented and thereafter charges were framed against the petitioner on 19.10.2022. There are total 22 prosecution witnesses, out of which have four been examined including the prosecutrix, who has supported the case of the prosecution. It is further submitted that as per the DNA report dated 24.03.2025, the DNA obtained from the salwar of the prosecutrix matches with the DNA profile of the accused-petitioner.

6. Heard the learned counsel for the parties.

7. *Prima facie*, serious and specific allegations have been levelled against the petitioner in the FIR, which were reiterated by the prosecutrix in her testimony as a prosecution witness. As per birth certificate, the prosecutrix was a minor at the time of alleged offence. Scientific and forensic evidence is not in favour of the accused-petitioner. Therefore, in



view of the same, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the instant petition stands dismissed.

9. However, considering the fact that the charges were framed on 19.10.2022 and till date only four prosecution witnesses have been examined; and also given the prolonged custody period undergone by the petitioner, the trial Court is encouraged to conclude the trial within a period of six months from today.

10. Nothing observed hereinabove shall be construed as an expression on the merits of the case.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)  
JUDGE

September 23, 2025  
Ithlesh

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