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

CRM-M-48237-2023

Date of Decision:- 30.07.2025

VIKAS

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

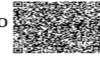
Present:- Ms. Divya Narula, Advocate for the petitioner.
(Through V.C.)

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.24 dated 13.05.2022 under Sections 376 (2) (n), 376-DA, 376 (3), 506 of IPC and Section 6 of POCSO Act registered at Police Station Women Sirsa, District Sirsa.

2. As per facts of the case, prosecutrix aged about 14 years gave her statement that she was studying in 8th standard in Government School. Two boys namely Kuldeep and Vikas were doing labour work. About 20 days ago Kuldeep gave his mobile number on a slip and told her to talk to him on the given number. He threatened her to call him otherwise he would kill her. She started calling him from mobile phone of her father. About 10 days ago he called her to the place where he was doing labour work. Both Kuldeep and Vikas committed forcible rape with her. She was told to come

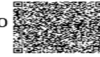


as and when they called her. Out of fear, she did not tell anybody about the occurrence. On 12.05.2022 she was again called at the same place where she was raped by Kuldeep. On reaching home, she disclosed everything to her mother and matter was reported to the police.

3. Counsel for petitioner raised the issue that Vikas was arrested on 14.05.2022 and since then he is behind the bars. Statement of victim has been recorded as PW1 (Annexure P-1). Statement of mother of the victim is recorded as PW2 (Annexure P-2) and both the witnesses during their cross-examination did not support the prosecution case. Victim as PW1 during her cross-examination categorically stated that she had never seen Kuldeep and Vikas earlier. Similarly, mother of the victim PW2 also denied to have given statement to the police. Trial in this case may take some time. In the aforesaid factual position, petitioner may be granted regular bail.

4. Status report filed. Learned counsel representing State pointed out that during investigation present petitioner along with co-accused were joined investigation on 14.05.2022 and were arrested in this case. Investigation was completed. Copy of MLR of victim is Annexure R-1 and copy of her statement recorded under Section 164 Cr.P.C. is Annexure R-2. It is pointed out that during investigation, samples were sent for DNA profile to Forensic Science Laboratory, Madhuban and the reports are Annexures R-4 and R-5. It was case of DNA matching. Allegations are serious. Therefore, petitioner does not deserve regular bail.

5. I have considered the arguments and have gone through the



record carefully. As per status report, challan in this case was presented on 21.05.2022. Charges were framed on 06.06.2022. Out of 23 prosecution witnesses, 11 witnesses have been examined including the victim and her mother. Their statements are also annexed with the bail application which clearly indicates that while recording of examination-in-chief these witnesses supported the prosecution case. Their cross-examination was deferred and subsequently the witnesses gave their statements in a different manner. Statements of prosecution witnesses are to be considered by the trial Court at appropriate stage in the surrounding facts and circumstances of the case. Report of DNA is also there in support of prosecution case. At the time of alleged occurrence, victim was 14 years of age. Allegations are serious in nature. Considering the aforesaid factual position, without commenting on the merits of the case, regular bail petition filed by the petitioner is declined. However, it cannot be ignored that petitioner is facing trial since 14.05.2022, therefore, trial Court is directed to expedite the trial.

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

(AMARJOT BHATTI)
JUDGE

30.07.2025

snd

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