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

CRM-M-47617-2024

Date of Decision:- 06.05.2025

Ajay @ Ajay Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ajay Kumar Dahiya, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Ajay @ Ajay Kumar has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 53 dated 19.01.2022 under Section 363, 366, 376 of IPC (later on during investigation Section 6 of POCSO Act was added) registered at Police Station Industrial Sector 29, Panipat (Annexure P-1).

2. Facts of the case are, prosecutrix gave her statement that she came in contact with Ajay about six months ago through Facebook. On 13.01.2022, Ajay came to meet her when her parents had gone to factory. On the same day, he took her to his village Baruhi, where his parents refused to keep her. Prosecutrix alleged that under the impression of



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promise to marry, Ajay did wrongful act with her. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that he is a child in conflict with law as he was minor at the time of alleged offence. During investigation, offence under Section 6 of POCSO Act was wrongly introduced. Prosecutrix has given different version at different stages. There is delay in lodging report to police. He is behind the bars since long. It is submitted that he will face trial and will 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. As per status report, at the time of alleged occurrence, victim was about 16 years 6 months 8 days old. As per School Leaving Certificate (Annexure R-3), her date of birth is 05.07.2005. Investigation was completed and challan was presented on 17.03.2023. Accused (petitioner in this case) had moved application for declaring him juvenile which was allowed by learned Additional Sessions Judge, Panipat vide order dated 08.05.2023. Copy of Social Investigation Report is Annexure R-5. At present after framing of chargesheet, 10 prosecution witnesses have been examined. There is specific role attributed to petitioner that he did wrongful act with minor girl under the pretext of marrying her. Considering the gravity of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. As per record, statement of victim has been recorded as PW-11 and statement of father of victim has been recorded as PW-12.



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Some of the prosecution witnesses are yet to be examined. Petitioner is behind the bars since 29.12.2022. Evidence recorded before the trial Court will be considered at appropriate stage. Considering the long custody and without going on the merits, regular bail petition filed by petitioner – Ajay @ Ajay Kumar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

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

06.05.2025
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(AMARJOT BHATTI)
JUDGE

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