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

CRM-M-50963-2024

Date of Decision:- 09.07.2025

Rahul

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Rahul has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 0092 dated 22.03.2023 under Section 363/366 of IPC (later-on added Section 376(2)(n) of IPC and Section 6 of POCSO Act, 2012 registered at Police Station Quilla Panipat, District Panipat.

2. Facts of the case are, prosecutrix filed written complaint to police that she is mother of three sons and two daughters. Her elder daughter was married in their street and younger daughter i.e. victim 'S' age 16 years had gone to her sister's house on 12.03.2023. She did not return home till evening, on this she inquired from her daughter about the whereabouts of victim. The elder sister disclosed that victim had left the house at 07:00 pm. She tried to locate her whereabouts. She came to know that a boy namely Rahul allured her daughter and she was taken away on the pretext of marriage. With these allegations, present FIR was registered.

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During investigation, victim was recovered on 22.07.2023. She had refused for her medical examination. Her statement was recorded under Section 164 Cr.P.C. by learned Judicial Magistrate Ist Class, Panipat. Investigation started. Relevant record was collected. Again statement of victim was recorded under Section 164 Cr.P.C. and she was also medically examined. On completion of investigation, challan was presented in Court.

3. Learned counsel for petitioner pointed out that allegations levelled against him are false. Petitioner and said victim got married on 14.06.2023. Certificate of registration of marriage is Annexure P-2. As per Aadhaar Card (Annexure P-3), date of birth of victim is 01.01.2003. Both parties had approached this Court seeking protection by filing CRWP-7161-2023, in which protection order was passed on 21.07.2023 (Annexure P-4). Initially, victim in her statement recorded under Section 164 Cr.P.C. (Annexure P-5) did not level allegations against him. Subsequently, under the pressure of family, she changed her version. Her statement under Section 164 Cr.P.C. was again recorded, which is Annexure P-6. Petitioner is behind the bars for the last 01 year and 04 months approximately. After framing of charge-sheet, statement of victim is also recorded as PW-1. Complainant had filed application for summoning of additional accused under Section 358 of Bharatiya Nagarik Suraksha Sanhita, 2023, which was declined by learned Additional Sessions Judge, Fast Track Court (POCSO), Panipat vide order dated 18.04.2025. Petitioner is ready to abide by terms of bail order. It is prayed that his regular bail petition may be allowed.

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4. Bail petition is opposed by learned counsel representing State on the ground of gravity of offence. Alongwith status report, School Leaving Certificate is produced as Annexure R-3, in which date of birth of victim is mentioned as 04.09.2006. Both statements of victim recorded under Section 164 Cr.P.C. are produced as Annexure R-2 and Annexure R-6. It is conceded that initially she had refused for medical examination but later on, she was medically examined. Copy of MLR is Annexure R-7. Victim was minor at the time of said offence. Therefore, petitioner is not entitled to be released on bail.

5. I have considered the aforesaid factual position as well as documents annexed by learned counsel for petitioner as well as documents annexed with status report. It is matter of record that statement of victim was recorded twice under Section 164 Cr.P.C. Initially, she did not agree for her medical examination, but later on she was medically examined on 28.10.2023. Copy of MLR is Annexure R-7. Petitioner and victim had approached this Court seeking protection. Copy of order dated 21.07.2023 passed in CRWP-7161-2023 is Annexure P-4. Investigation was completed and challan is already presented, in which prosecution evidence is being recorded. As referred above, testimony of victim has been recorded as PW-1. Evidence and documents will be appreciated by the trial Court at relevant time. Petitioner is behind the bars for the last 01 year and 04 months. Till date, testimony of victim is recorded. Trial in this case is likely to take long time. Therefore, without expressing my mind on merits, regular bail petition filed by petitioner Rahul is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the

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satisfaction of trial Court/Duty Judge concerned.

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

09.07.2025

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(AMARJOT BHATTI)
JUDGE

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