



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

**CRM-M-49403-2025 (O&M)
Date of Decision: 28.10.2025**

ANUP ALIAS MONU

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Dr. Jaiveer Singh Malik, Advocate
for the applicant-petitioner.

Ms. Kanica Sachdeva, DAG, Haryana.

Mr. Sanchit Choudhary, Advocate
for respondent No.2.

SHALINI SINGH NAGPAL J.

CRM-41504-2025

Application under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking preponment of the main petition has been filed by the applicant.

Allowed. On request of learned counsel for the applicant, main case is taken on board today itself.

CRM-M-49403-2025

1. Petitioner seeks regular bail in FIR No.458 dated 28.11.2024 under Section 376(3), 450, 506 and 34 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station, Tosham, District Bhiwani. This is his first petition for regular bail.

2. Prosecutrix "M" aged 15 years alleged that she was residing in the house of her maternal uncle and aunt at Tosham. In April, 2024, when

her maternal aunt was away to Hisar, her maternal uncle committed rape upon her. When her aunt returned the next day, she narrated the incident to her but she was asked not to disclose the incident. On 29.05.2024, neighbour of her maternal aunt, namely Mandeep came to the house and raped her. She disclosed the matter to her maternal uncle, again, her maternal aunt asked her to keep quite. On 05.06.2024, when she was alone in the house, her maternal uncle again raped her. She informed her brother telephonically and asked him to take her. She further alleged that accused Mandeep had taken objectionable pictures which he forwarded to her brother through Facebook.

3. In support of the prayer for regular bail, learned counsel for the petitioner submits that there was six months delay in lodging FIR. No medical examination of the prosecutrix was ever conducted. Statement of the prosecutrix had been recorded during the trial. Though, she supported prosecution version, her testimony was marred by infirmities and contradictions. It was argued that the date of alleged incident was 05.06.2024 and the very next day, prosecutrix was enjoying a trade fair in Bhiwani with the family of her maternal uncle. He further submits that petitioner was behind bars with effect from 28.12.2024, his father was on ventilator and there was no other male member in the family to look after him. Therefore, he deserved to be enlarged on regular bail.

4. Learned State counsel assisted by learned counsel for respondent No.2/complainant has opposed the prayer for regular bail, in view of serious nature of allegations.

5. Considering the nature and substance of allegations against the petitioner, maternal uncle of the prosecutrix, entrusted with her custody at the relevant time, there is no ground to enlarge him on regular bail even

though, the prosecutrix has been examined during the trial. In matters of sexual assault of children, the Courts are duty bound to act as guardians of the child. The legislative object of Protection of Children from Sexual Offences Act, 2012 and liberty of an individual are to be weighed and balanced as the impact of such offences on a child victim is grave, long lasting and results in severe psychological trauma. Considering the gravity of the offence, quantum of punishment conviction may entail as also the fact that offence is against public morality, the petition for regular bail is dismissed.

6. Pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

28.10.2025
Sumit Singla

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