



CRM-M-54846-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54846-2024 (O&M)
Decided on : 23.01.2025

GOLU THAKUR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Amit Sangwan, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.467 dated 14.12.2023 under Section 376(2)(N) of IPC and Section 6 of POCSO Act, 2012, registered at Police Station NIT Faridabad, District Faridabad.

2. The contents of the above-mentioned FIR are reproduced herein below :-

“To, Police Station NIT Faridabad. It is requested that I, Reena Das w/o Vikki Das, is the resident of Village Jamadarbas, PS Cooch Behar, Post Dinhata-II, District Cooch Bihar, West Bengal, present tenant at C-148, New Colony (Gandhi Colony), NIT Faridabad. I have four children, in which second number is of xxxx age 18 years, on 06.11.2023, went along with our neighbour Golu Thakur S/o Ashok Thakur and returned back on 07.11.2023. When my daughter xxxx came to home then she told that Golu Thakur S/o Ashok Thakur R/o Jharkhan, who is our neighbour, he used to have conversation with my daughter xxxx for about 1 year and by making false promise of marriage, when my daughter xxxx was 17 years of



age, then he came to our home and established physical relations in January, 2023. Golu Thakur has established physical relations with my daughter several times. Now, Golu Thakur is refusing to marry my daughter. Due to fear of society, we did not come to Police Station earlier. Legal action should be taken against Golu Thakur. SD Reena Das.”

3. Learned counsel for the petitioner submits that the petitioner, who is aged 22 years and working as a salon employee, has been falsely implicated in the present case. The victim, who was over 18 years old at the time of the registration of FIR, maintained a consensual relationship with the petitioner for over a year, even after attaining majority, and admitted her willingness to marry him. There is an unexplained delay of 37 days in filing the FIR. Furthermore, the Call Detail Records reveal that most communications were initiated by the prosecutrix, directly contradicting the prosecution's claims. No evidence, such as messages or call recordings, substantiates the allegation of a false promise of marriage, and no incriminating material has been recovered from the petitioner.

4. *Per contra*, learned State counsel while relying upon status report dated 28.11.2024 submits that the prosecutrix was minor when the alleged incident happened. She has supported the version of FIR in her 164 Cr.P.C. statement. The evidence of the victim and the complainant has not been recorded before the learned trial Court and there is possibility that if the petitioner is released on bail, he may pressurize the prosecution witnesses. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 10 months and 07 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that the charges were framed on

till date.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.
6. There are serious allegations levelled against the petitioner. Material witnesses including the prosecutrix and complainant are yet to be examined. Having regard to overall circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner.
7. The petition is dismissed.
8. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

23.01.2025
Kavita

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