

CRA-S-3690-2024

-1-

269

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

CRA-S-3690-2024

Date of Decision:- 14.01.2025

Rahul alias Sonia

...Appellant

Vs.

State of Haryana and another

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. R.K. Doon, Advocate
for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Appellant – Rahul alias Sonia has filed appeal for setting aside impugned order dated 01.10.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, Hisar, vide which bail application filed by appellant under Section 439 Cr.P.C. in case FIR No. 546 dated 19.11.2023, under Section 376, 452, 506 IPC, Section 3(2) (v) of SC/ST Act and Section 4 of POCSO Act registered at Police Station Narnaund, District Hansi has been dismissed.

2. As per the facts of case, complainant gave her statement that she belongs to Scheduled Caste (Chamar) community and doing labour work. Victim age about 14 years was studying in 9th class. She alongwith her husband had gone out for doing labour work and victim was alone in house. Rahul alias Sonia living in their neighbourhood came to their house in their absence and committed rape upon her and threatened not to

disclose this incident to anybody otherwise she would be killed.

**CRA-S-3690-2024****-2-**

Complainant found her daughter in a state of fear and ultimately disclosed about this incident. With these allegations, present FIR has been registered.

3. Learned counsel for appellant argued that allegations levelled against him are false. He is in custody since 22.11.2023. Challan in this case has been presented and statement of all material witnesses i.e. father, victim and mother have been recorded which are annexed as Annexures A-1 to A-3. Said witnesses did not support prosecution case. Without considering these facts, regular bail petition filed by appellant has been wrongly dismissed by learned Additional Sessions Judge, Fast Track Special Court, Hisar vide order dated 01.10.2024. Learned counsel for appellant prayed for regular bail for appellant.

4. Learned counsel representing State filed status report confirming facts detailed in FIR. It is pointed out that statement of victim was recorded under Section 164 Cr.P.C, which is Annexure R-1. Investigation was carried out. As per Birth Certificate (Annexure R-3), date of birth of victim is 21.04.2010. Caste Certificate is Annexure R-4. Report of RFSL, Hisar is Annexure R-5. There are specific serious allegations against appellant. After completion of investigation, challan was presented on 06.02.2024. Charge-sheet is also framed and case is fixed for prosecution evidence. It is confirmed that report of DNA analysis is still awaited.

5. I have considered the arguments and have gone through the record carefully. Complainant levelled serious allegations against appellant. After investigation, challan is presented in Court. Appellant was arrested on 22.11.2023 and is facing trial. Admittedly, three prosecution witnesses have been examined i.e. father of victim as PW-3, victim herself

**CRA-S-3690-2024****-3-**

as PW-2 and mother of victim as PW-1 and their statements are Annexures A-1 to A-3. These witnesses did not support prosecution case. So far as report of DNA is concerned, that is still awaited. Evidence on record will be considered by the trial Court at appropriate stage. Considering the aforesaid factual position, impugned order dated 01.10.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, Hisar is accordingly set aside by accepting present appeal. Appellant is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. Present appeal filed by appellant Rahul alias Sonia is accordingly, allowed.

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

14.01.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No