



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

CRM-M-58148-2024 (O&M)

Date of Decision:14.07.2025

Chand Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Manoj Pundir, Advocate for the petitioner

Mr. Vipul Sherwal, AAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a second petition filed under Section 483 of BNSS, for grant of regular bail to the petitioner in case bearing FIR No.152 dated 29.07.2022 under Section 376(2) (N) and 506 of IPC and Section 6 of POCSO Act, registered at Police Station Women, District Karnal, Haryana.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 2 years, 11 months and 14 days. He submitted that it is a case where as per the allegations, the complainant has stated in the FIR that his daughter of the age of 16 years, was taken away by the petitioner. However in fact the age of the complainant's daughter was not 16 years but 17 years at the time of the occurrence. He further submitted that the present petitioner was falsely implicated in the present case and he had earlier also filed a petition bearing No.CRM-M-



65236-2023 for grant of regular bail before this Court, which was dismissed on 08.04.2024 since the FSL report had not come at that time. He further submitted that as per the FSL report now available on record, no semen was detected in the samples collected. He also submitted that one of the basic allegations in the FIR was that the petitioner had taken obscene photographs/videos which were stored in the mobile phone of the petitioner and as per the FSL report, no such obscene photographs or video files were found or retrieved from the mobile phone and memory card. Therefore, the allegations against the petitioner are totally concocted and are result of a false story. He also submitted that as of now out of a total of 12 cited prosecution witnesses, 3 witnesses including the complainant, have been examined and the petitioner has been in custody for about 03 years and therefore, the petitioner may be considered for grant of regular bail. He further submitted that in pursuance of order dated 24.04.2025 passed by this Court, he has filed an application for impleadment of the complainant/victim as respondents No.2 and 3.

3. On the other hand, learned State counsel on instruction from SI Kanu Priya, submitted that insofar as the custody of the petitioner is concerned, the same is correct and it is also correct that FSL report has been received and no semen was detected. He further submitted that as per the FSL report, no obscene photographs or videos were found in the petitioner's mobile phone nor were any such files retrieved from the memory card. He also submitted that 03 prosecution witnesses including the complainant have been examined.



4. Learned State counsel further submitted that, although the learned counsel for the petitioner has filed an application for impleadment of the complainant/victim as respondents No. 2 and 3, the State has already informed the complainant/victim about the pendency of the present petition. However, no one has appeared on their behalf

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner has already undergone incarceration for about three years and as per both the learned counsels for the parties, 03 prosecution witnesses including the complainant have already been examined. Allegations in the present FIR are pertaining to enticing away a minor girl and committing the act of rape upon her but as per the learned counsels for the parties, the FSL report has already been received and neither any semen was detected nor any obscene photo or video file of the daughter of the complainant was found or retrieved from the memory card and mobile phone of the petitioner.

7. After hearing learned counsels for the parties, this Court is of the view that considering the aforesaid facts and circumstances and especially keeping in view the long incarceration period of the petitioner, which is almost 03 years and the fact that the complainant stands examined, this Court deems it fit and proper to grant bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.



9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.
10. Since the main case is disposed of, no further order is required in the application for impleadment.

(JASGURPREET SINGH PURI)
JUDGE

14.07.2025
shweta

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