



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

228

CRA-S-4047-2024 (O&M)
Date of decision: 07.02.2025

LALIT

...Appellant

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. S.S. Majithia, Advocate and
Mr. Rahul Parmar, Advocate
for the appellant.

Mr. Rahul Dev Singh, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J.

1. The present appeal has been filed by the appellant assailing the order dated 18.11.2024, passed by the learned Additional Sessions Judge, Fast Track Special Court, Faridabad, whereby the bail application filed under Section 483 BNSS for grant of regular bail to the appellant in FIR No.432 dated 28.10.2023, under Sections 455, 506 of the IPC, Sections 6, 8 and 17 of the POCSO Act, 2012 and Sections 3-33-89 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Ballabgarh, District Faridabad, has been dismissed.

2. The case was registered on the basis of the statement of the prosecutrix aged 13 years recorded on 28.10.2023. It is alleged that the prosecutrix is a student of 8th class. The appellant-accused was known to the



CRA-S-4047-2024 (O&M) - 2-

prosecutrix through Instagram and she was having friendship with him. On 08.07.2023, the appellant called the prosecutrix in City Park Ballabgarh and on 16.07.2023 she was again called by the appellant in City Park wherein she was taken to OYO hotel, Palwal forcibly. Thereafter, the appellant had forcibly developed physical relations with her. On 27.10.2023, the appellant entered the house of the prosecutrix and tried to apply force upon her, however, by that time the gate of the house was knocked and the appellant was able to run away. He submits that neither the prosecutrix who appeared a witness No.1 (annexure A-3) nor father of the prosecutrix have stated anything incriminating against the appellant.

3. On the other hand, learned State counsel has opposed the appeal on the ground that the appellant is alleged to have committed penetrative sexual assault upon the prosecutrix, who is minor aged 13 years. The prosecutrix belongs to scheduled caste as per the caste certificate recovered during the investigation. Even as per the opinion of the doctor, the possibility of sexual intercourse cannot be ruled out as per MLR (Annexure R-2). This fact is further confirmed that out of total 21 prosecution witnesses only 3 witnesses have been examined. Learned State counsel has informed that there is no reference in the status report that any samples were sent for chemical examination because samples could not be sent due to the gap of time between the alleged offence and the medical examination.

4. I have heard learned counsel for the parties and have also gone through the paper-book.

5. Only 3 witnesses out of 21 witnesses have been examined yet. As per the custody certificate, the appellant has undergone 01 year 01 month and 19 days of actual custody. There are less chances of conclusion of trial in a short



CRA-S-4047-2024 (O&M) - 3-

period of time. The appellant is not having history of any other case against him. The age of the appellant is 20 years. Further incarcerating him in the custody pending trial would not be in the interest of justice.

6. Keeping in view the above facts and circumstances of the present case, the present appeal is allowed. The impugned order dated 18.11.2024 passed by the learned Additional Sessions Judge, Fast Track Special Court, Faridabad is set aside. The appellant is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court concerned.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2025
P.Bhatt

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