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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61322-2024

Date of Decision:- 04.08.2025

Sharwan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Viney Saini, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Sharwan has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No. 153 dated 27.02.2024 (Annexure P-1) under Section 6 of POCSO Act, 2012 and under Section 376, 452, 506, 376(3), 376(2) of IPC registered at Police Station Sadar Hisar, Haryana.

2. Facts of the case are, prosecutrix gave her statement that she is 14 years old girl, studying in 9th standard. On 30.08.2023, she had gone to the house of her maternal grandmother at village Malwas, Churu alongwith her parents on the occasion of Rakshabandhan. On that night, her maternal uncle Sharwan committed wrongful act with her forcibly in the house of her maternal grandmother. Out of fear, she did not tell anything to her mother. Thereafter, when she was alone in house, Jai Parkash came to the house and committed wrongful act with her. He also threatened to kill and told her not to tell anybody. On 26.02.2024, because of her health



condition, she was taken to Government Hospital, Balsmand, where it was revealed that she was pregnant. With these allegations, present FIR has been registered.

3. Learned counsel representing petitioner raised the issue that as per facts narrated in FIR, first incident took place at Churu, Rajasthan. FIR has been registered regarding both incidents at District Hisar. Allegations levelled against him are false and without any basis. There is long delay in lodging the report to police. Victim did not get pregnant due to alleged incident which took place at village Malwas, District Churu, as pregnancy of victim did not match with prosecution version. A false and frivolous FIR has been lodged. He is behind the bars since 01.03.2024. Trial in this case may take long time. Without considering these facts, his regular bail application was wrongly declined by learned Additional Sessions Judge, Fast Track Special Court, Hisar vide order dated 23.10.2024 (Annexure P-6). Petitioner is ready to abide by terms of bail order. It is submitted that his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. As per status report, on completion of investigation, challan is already presented on 30.05.2024. Charge-sheet was framed on 18.11.2024. At the time of filing of status report, no witness was examined. Report of DNA was also awaited. Copies of MLR of victim (Annexure R-1) and her statement recorded under Section 164 Cr.P.C. (Annexure R-3) are placed on record. Report of Regional Forensic Science Laboratory, Hisar is Annexure R-5 and as per result, semen could not be detected on exhibit 3 and exhibit 5 detailed therein. Considering the gravity of offence, petitioner



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is not entitled to regular bail.

5. I have considered the arguments and have gone through the record carefully. Present FIR has been registered on the statement of prosecutrix, who is a minor girl aged 14 years. She has levelled specific allegations of rape against petitioner, who is her maternal uncle. She further levelled allegations against one Jai Parkash. As per record, victim became pregnant and after coming to know about this fact, present FIR was lodged. As per status report, on completion of investigation, challan is already presented and trial is going on. Statement of victim was recorded under Section 164 Cr.P.C. (Annexure R-3) wherein she again confirmed the allegations. During trial statement of victim has been recorded as PW-1, where she again levelled serious allegations against present petitioner. Objection raised by learned counsel for petitioner regarding territorial jurisdiction of trial Court for taking cognizance of incident which took place in village Malwas, District Churu, Rajasthan and other incident which took place in village Balsmand, District Hisar together is matter of trial. Considering the specific allegations and gravity of offence, I do not find a fit case for grant of regular bail to petitioner Sharwan and present petition filed by him is, accordingly, dismissed.

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

04.08.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No