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

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Date of Decision:- 19.02.2025

Santosh Pant

....Petitioner

Vs.

State of Haryana and Anr.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rajesh Kumar Dhankar, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner Santosh Pant has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.280 dated 15.10.2024, under Sections 6 of POCSO Act, 2012 and Sections 126, 140(3), 332(b), 333, 351(4), 62 of BNS, 2023 registered at Police Station Sector-40, District Gurugram (Annexure P-1).

2. As per facts of the case, prosecutrix 'K' aged about 16 years gave her statement that when she used to go to her school, Rahul used to follow her. He even used to block her way when she was going for tuition. Said boy used to say that he wanted to marry her but she refused. He gave her a mobile phone and she was told to pick up the phone whenever he called her. On 06.10.2024, her parents had gone to *Khatu Shyam Mandir*, the accused Rahul got an opportunity and entered their house at about 3:34 PM



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and committed repeated forcible rape with her and also clicked her obscene photographs and prepared videos. She was threatened not to tell anybody about this incident otherwise, he would kill her family members. Thereafter, he again visited her house and committed rape with her in the absence of her family members. On 12.10.2024, he again called her outside, but she refused. The accused threatened to kill her family members and finally she disclosed everything to her mother. The accused along with his brother and friends forcibly kidnapped her from the main road of village Kanhai but she was rescued by her parents. Mother and sister-in-law of the accused also visited their house to threaten them. The accused kept on visiting her house and gave them beating. They were constantly threatened. Finally, the matter was reported to the police.

3. Learned counsel for petitioner argued that petitioner is the mother of main accused who was granted interim bail vide order dated 05.12.2024. In pursuance of this order, she has already joined the investigation. Allegations levelled against her are false and without any basis.

4. Learned counsel representing State has already filed status report through Registry, which is taken on record. It is pointed out that main accused Rahul has been arrested on 05.11.2024 and mobile phone is also recovered. As per record date of birth of victim is 27.08.2008. The DVR and mobile phone of accused Rahul have been sent to DITAC Gurugram and report is still awaited. Present petitioner joined the investigation on 10.12.2024 and 20.01.2025. On instructions from SI Sunita, learned counsel representing State pointed out that petitioner is not required any further.



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5. I have considered the aforesaid factual position. It is clear that main accused is already apprehended. Present petitioner is the mother of main accused who has joined the investigation and she is not required for any other purpose. Therefore, no purpose would be served by sending her behind the bars. She is still ready to abide by the terms of bail order. Therefore, interim bail already granted in favour of petitioner vide order dated 05.12.2024 stands confirmed subject to the conditions detailed under Section 482(2) BNSS.

6. Petition is accordingly disposed of.

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

19.02.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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