



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

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CRM-M-65211-2025 (O&M)

Decided on : 03.12.2025

BHARTI**... PETITIONER****VERSUS****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

PRESENT: Ms. Gurinderjit Kaur, Legal Aid Counsel
for the petitioner.

Ms. Jasmine Gill, AAG Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.47 dated 18.02.2025, under Section 351(3) of BNS, 2023 and Section 6 of POCSO Act, 2012 registered at Police Station PS Quilla, District Panipat.

2. I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

3. The present case was registered on the basis of complaint given by GXXXX (mother of the victim), with the allegation that her husband had passed away 8 years ago. She has two daughters and one son 'KXXXXX'. The accused Bharti is married and has two children, and she had been coming to her house for about 6 months and was acquainted with her son. About one week ago, her son told her that accused Bharti has been continuously developing physical relations with him for the last six months.

Prior to the registration of FIR, the boy was below 18 years and she was



pressurizing him to marry her. Whenever, he refuses to have physical relation with her and to marry her, she threatens to kill him and his family members. When she tried to counsel the accused that her son is a minor and there is a huge age difference between both of them and that she should stay away from him, accused became adamant and threatened to implicate her son in false rape case. She alleged that her son is a minor and since accused has physically and mentally exploited him, action be taken against her under Protection of Children from Sexual Offences Act, 2012. Petitioner was arrested on 05.03.2025 and after completion of investigation, challan was presented.

4. Learned counsel for the petitioner contended that the minor son of the complainant had developed physical relations with her of his willful consent and she never pressurized him for any sort of physical relation with her. Learned counsel further contended that one child has been born out of their relationship, who is in her lap in the jail and she was pregnant by five months when the FIR was registered. The trial will take a long time to conclude and no useful purpose will thus be served by detaining the petitioner in custody anymore and she may be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and argued that petitioner has committed a heinous offence and in view of the gravity of the offence, petitioner does not deserve the concession of bail.

6. The victim is a minor son of the complainant around 17 and a half years of age, when he allegedly developed physical relations with the accused, who was 29 years of age, and one child has been born out of their consensual relationship. Petitioner is in custody since 05.03.2025. Trial is



likely to take sufficiently long time to conclude and no useful purpose will be served to detain the petitioner in custody.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

8. Pending misc. application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

03.12.2025

Vishal Vardhan

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No