 2026:HHC:50247

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMP(M) No. : 2230 of 2026

Reserved on : 19.11.2026

Decided on : 20.11.2026

Uploaded on : 20.11.2026

Aamna ...Applicant

Versus

State of Himachal Pradesh and another ...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the applicant : Mr. Vinay Thakur and Mr. P.C. Thakur, Advocates.

For the respondents : Mr. Tejasvi Sharma, Mr. H.S. Rawat, Additional Advocates General, with Mr. Rohit Sharma, Deputy Advocate General, for respondent No. 1-State.

Respondent No. 2 (child victim) in person, with her mother and brother.

Virender Singh, Judge.

Applicant-Aamna has filed the present application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as

[1] *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

'BNSS'), for releasing her on bail, during the pendency of trial, arising out of **FIR No. 114 of 2025, dated 19th May, 2025,** registered under **Sections 137 (2), 65 (1), 96, 143, 127 (2), 351 (2), 61 (2) of the Bharatiya Nyaya Sanhita** (hereinafter referred to as 'BNS') and **Sections 6 and 17 of the Prevention of Children from Sexual Offences Act** (hereinafter referred to as 'POCSO Act'), with **Police Station Paonta Sahib,** District Sirmaur, H.P.

2. According to the applicant, she is innocent and has falsely been implicated, by the police, in the present case.

3. It is the case of the applicant that even, during the investigation, nothing could be collected by the prosecution to connect her with the commission of the crime in question, except the statement of co-accused, which is not admissible in evidence.

4. The investigation of the present case is stated to be completed and the police, after completion of the investigation, has filed the charge sheet against the

applicant, which is pending adjudication before the learned trial Court.

5. According to the applicant, she had no role to play in the crime in question.

6. The applicant has earlier tried her luck by moving the bail application, before the Court of learned Additional Sessions Judge, Fast Track Special Court (Rape/POCSO), on 15.12.2025, however, her application has been dismissed, vide order, dated 15.01.2026.

7. Highlighting the fact that the applicant is having no criminal antecedents and nothing is to be recovered from her, or at her instance, Mr. Vinay Thakur and Mr. P.C. Thakur, Advocates, appearing for the applicant, has given certain undertakings, for which, the applicant is ready to abide by, in case, she is ordered to be released on bail, during the pendency of the trial.

8. As such, a prayer has been made to allow the bail application.

9. In this case, the child victim has been impleaded as respondent No. 2, who appeared before the

Court on 19th November, 2026 and submitted that her case be defended by the office of learned Advocate General.

10. When, put to notice, respondent No. 1-State has filed the status report, disclosing therein, that on 19th May, 2025, elder brother of the child victim appeared before the police and moved a complaint, mentioning therein, that his sister (child victim), aged about 13 years, had left the home on 17th May, 2025 at about 02.00 p.m. and they made search for her till 19th May, 2025, but, she could not be found. As such, he has prayed that the child victim may be traced, upon which, the police registered the case and criminal machinery swung into motion.

10.1. During the investigation, documents, pertaining to the date of birth of the child victim were procured from the School and Gram Panchayat, according to which, her date of birth was found to be 12th April, 2012.

10.2. As per the status report, efforts to trace the child victim were made, but, she could not be found. On 9th August 2025, HC Jai Prakash, In charge, Missing Cell, has submitted to ASI Dinesh Kumar, about the fact that one girl, namely Seena, who was missing from Majra, has been recovered and she be inquired about the child victim, upon which, ASI Dinesh Kumar, alongwith other police officials, reached Majra, where the said girl was inquired and her statement, under Section 180 of the BNSS, was recorded.

10.3. In her statement, the said girl has disclosed about the child victim that she is at the residence of one Satpal @ Pal, s/o Mast Ram, r/o Village Thaathar, P.O. Bhojrajpura, Tehsil Morni, District Panchkula, Haryana, upon which, the IO, alongwith the police officials and the complainant, reached at Village Thaathar and the residential house of said Satpal @ Pal was searched.

10.4. During the search of his house, the child victim was found in the first floor of the said house. She was identified by her brother (complainant). Thereafter,

the child victim was medico-legally examined at Civil Hospital, Paonta Sahib.

10.5. On 10th August, 2025, the statement of the child victim was recorded, under Section 180 of the BNSS, in the presence of her mother. On the basis of said statement, Sections 65 (1), 96, 127 (2), 61 (2) of the BNS and Sections 6 and 16 of the POCSO Act were added, in this case.

10.6. Subsequently, the child victim was produced before the Court of learned ACJM, Paonta Sahib, on 11th August, 2025, where, her statement, under Section 183 of the BNSS, was got recorded. In the statements, under Sections 180 and 183 of the BNSS, the child victim has disclosed that on 17th May, 2025, her neighbour, namely Aamna (applicant), took her (child victim) to her (Aamna's) rented accommodation, where, said Aamna (applicant) and her husband-Rahul @ Binder called accused-Pawan Kumar @ Pawna alongwith vehicle. Thereafter, the child victim was made to sit in the said vehicle/truck with accused-Pawan Kumar @ Pawna and

send her with him. He took the child victim to a Hotel at Kala Amb and made to stay there during the night.

10.7. Next day, Aamna (applicant) and Binder also came to Kala Amb and all the three, took the child victim to another Hotel, where, two other persons, namely Pala and Pal, came and on the subsequent day, Aamna (applicant), Rahul @ Binder, Lal Chand @ Pala sold the child victim to Satpal @ Pal. Said Satpal @ Pal kept the child victim confined at his residential house and during that period, Satpal @ Pal ravished her. Lal Chand @ Pala ravished her in cremation ground. As per the statement of the child victim, Pawan Kumar @ Pawna had also ravished her in the hotel. On 12th August, 2025, applicant-Aamna, Rahul @ Binder were arrested. On the same day, on the identification of the child victim, the physical evidence was collected from the spot, i.e. from the first floor of the residential house of accused-Satpal @ Pal.

10.8. On 13th August, 2025, accused persons were produced before the Court and they were remanded to

police custody, up to 18th August, 2025. On 14th August, 2025, the child victim again identified the room at Surajpur, where on 17.05.2025, applicant Aamna took the child victim there. Thereafter, she was sent along with Pawan Kumar @ Pawna. On 15th August, 2025, room No. 102 was identified by the child victim in Royal Home Stay at Kala Amb, on 17.05.2025, where accused Pawan Kumar @ Pawna ravished her.

10.9. After the completion of the investigation, the police has filed the charge sheet. Later on, Section 16 of the POCSO Act was deleted and Section 17 of the POCSO Act was added, in this case. The case is now stated to be pending before the learned Special Judge, Sirmaur at Nahan.

10.10. No other case has been found to be registered against the applicant.

11. On the basis of the above facts, a prayer has been made to dismiss the bail application.

12. The investigation, in the present case, is complete, and this fact is clearly demonstrated from the

stand of the police that the charge-sheet has been filed. The role, which has been attributed to the applicant i.e. enticing away the child victim and sending her with the accused persons, who had ravished her, will be proved during the trial.

13. No other case has been found registered against the applicant. As such, presumption is still available in favour of the applicant.

14. Moreover, the Legislature, in its wisdom, has added the proviso to Section 480(ii) of BNSS, according to which, the Court may release a person on bail, if such person is a child or is a woman or is sick or infirm.

15. The applicant is permanent resident of District Yamunanagar, in Haryana and merely on that ground that she is resident of the adjoining State, the relief, for which, the applicant is otherwise entitled for, cannot be declined to her.

16. The chances of commencement and conclusion of the trial against the applicant are not so bright. As such, no useful purpose would be served by keeping the

applicant in the judicial custody, that too for the indefinite period.

17. Considering all these facts, this Court is of the view that the present bail application is liable to be allowed and is accordingly allowed.

18. Consequently, the applicant is ordered to be released on bail in case **FIR No. 114/2025, dated 19.05.2025, under Sections Sections 137 (2), 65 (1), 96, 143, 127 (2), 351 (2), 61 (2) of BNS and Sections 6 and 17 of the POCSO Act,** with **Police Station Paonta Sahib,** District Sirmaur, H.P., on her furnishing personal bonds, in the sum of ₹ 50,000/-, with two sureties of the like amount, to the satisfaction of the learned trial Court.

19. This order, however, shall be subject to the following conditions:-

> *"a) The applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing the appropriate application;*
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> *b) The applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*

c) The applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer, and

d) The applicant shall not leave the territory of India without the prior permission of the Court."

20. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present bail application.

21. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found to be violated by the applicant.

22. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, Kanda Jail Shimla, H.P. through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

23. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Kanda Jail Shimla, H.P., is directed to inform this fact to the Secretary, DLSA, Shimla. The Superintendent of Jail, Kanda Jail Shimla, H.P. is further

directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court, within a period of one month from today, then, the said fact be submitted to this Court.

(Virender Singh)
Judge

20th November, 2026
(Pramod Kumar)

KALPANA Digitally signed by KALPANA
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