



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

209

CRM-M-10194-2026

Date of Decision: 21.04.2026

MXXXX

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Sunil Hooda, Advocate
for the petitioner.
Mr. Atul Gaur, AAG, Haryana.

Mr. Ashish Gupta, Advocate
for respondents No. 2 and 3.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanita, 2023, read with Section 12 of Juvenile Justice Act, 2015 seeking grant of regular bail to the petitioner in case bearing FIR No.230 dated 12.08.2024 (Annexure P-1), under Sections 137, 332(B), 64, 96 of BNS, 2023, registered at Police Station Punhana, District Nuh, Haryana.
2. The allegations against the petitioner are that he was acquainted with the prosecutrix and used to talk to her on phone. On the intervening night of 10/11.08.2024 at about 12:00 a.m., he allegedly called the prosecutrix out of her house and thereafter took her to the forest, where he is stated to have committed rape upon her.
3. Learned counsel for the petitioner contends that the petitioner, who is a juvenile, has been falsely implicated in the present case. It is submitted that there existed acquaintance between the petitioner and the prosecutrix and the allegations have been levelled on account of



misunderstanding. It is further submitted that initially the challan along with the Social Background Report was presented before the Juvenile Justice Board on 12.11.2024; however, the Principal Magistrate, Juvenile Justice Board, vide order dated 09.01.2025, transferred the case to the Children's Court for trial of the petitioner as an adult. Charges were framed on 10.02.2025 and the trial is presently underway.

4. It is further contended that there was a consensual love affair between the petitioner and the prosecutrix. Initially, the age of the prosecutrix was stated to be about 15 years; however, as per the opinion of the specialized Medical Board at PGI Rohtak, based on physical, dental and radiological examination, her age has been assessed between 18 to 19 years. It is thus submitted that the provisions of the POCSO Act would not be applicable and the case is required to be viewed as one involving consenting adults. It is also submitted that the prosecutrix was not found in a forest, but was allegedly discovered hiding voluntarily on a neighbour's roof to escape her father's wrath. It is further contended that there are material contradictions and improvements in the statements of the prosecutrix and her father.

5. Learned counsel for the petitioner further submits that the petitioner has been in custody since 14.08.2024 and the challan against the petitioner stands presented. Charges have been framed. It is further pointed out that out of a total of 14 prosecution witnesses cited, 10 have already been examined. It is further submitted that no recovery is required to be effected from the petitioner and the investigation, insofar as custodial interrogation is concerned, stands completed.



6. Learned State counsel, on the other hand, opposes the prayer for grant of bail on the ground that the allegations levelled against the petitioner are serious in nature, involving kidnapping and commission of rape upon the prosecutrix. It is submitted that the prosecutrix has supported the prosecution case and the role attributed to the petitioner is direct and specific. It is further contended that release of the petitioner at this stage would adversely affect the prosecution case and may prejudice the trial.

7. I have heard learned counsel for the parties and perused the record.

8. This Court is conscious of the seriousness of the allegations levelled against the petitioner. At the same time, it is not in dispute that the petitioner is a juvenile and initially the proceedings were conducted before the Juvenile Justice Board, which thereafter transferred the case to the Children's Court for trial as an adult. The petitioner has been in custody since 14.08.2024 and the investigation stands complete.

9. A significant aspect which weighs with this Court is that out of 14 prosecution witnesses cited, 10 have already been examined, including the material witnesses, thereby substantially advancing the trial. Thus, the possibility of the petitioner influencing the course of trial stands considerably reduced.

10. It is further borne out from the record that although certain other accused persons were initially found innocent and a supplementary report was submitted to that effect, they were subsequently summoned by the trial Court under Section 319 Cr.P.C. and have been granted anticipatory bail.



11. This Court also takes note of the medical opinion of the specialized Medical Board at PGI Rohtak, which assesses the age of the prosecutrix between 18 to 19 years. While the said aspect shall be conclusively determined during trial, at this stage, it does have a bearing on the nature of allegations.

12. In the totality of the circumstances, particularly keeping in view the period of custody already undergone by the petitioner since 14.08.2024, the stage of trial with substantial progress, the fact that no further custodial interrogation is required, and that continued incarceration of the petitioner at this stage would not serve any useful purpose, this Court is of the considered view that the present petition deserves to be allowed.

13. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned CJM/Duty Magistrate concerned.

14. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same shall not be construed as an expression of opinion on the merits of the case.

(NEERJA K. KALSON)
JUDGE

21.04.2026

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No