



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

CRM-M-25513-2026 (O&M)

Date of Decision: 13.05.2026

Hardev Singh @ Hardeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Yajur Sharma, Advocate,
for the petitioner.

Mr. Gaurav Kathuria, DAG Punjab.

Neerja K. Kalson, J.

1. The present petition has been filed under Section 483 of the BNSS, 2023, seeking regular bail in case arising out of FIR No. 101 dated 09.07.2025, under Sections 65(1), 87, 137(2), 336(2) of BNS, 2023 and Section 6 of POCSO Act, 2012, registered at Police Station Balachaur, District SBS Nagar.

2. Learned counsel for the petitioner while referring to testimonies of prosecution witnesses (Annexures P-2 to P-4) contends that the complainant i.e. mother of the prosecutrix (PW-1), father of the prosecutrix (PW-2) and the prosecutrix herself (PW-4) have not supported the case of the prosecution and have been declared hostile. It is further contended that the development goes to the root of the matter and materially alters the complexion of the case inasmuch as the very substratum of the prosecution story stands eroded. It is further submitted that once the material witnesses have turned hostile, further incarceration of the petitioner ceases to serve any meaningful purpose. It is further submitted that the apprehension of the



prosecution that the petitioner may influence the witnesses or tamper with evidence no longer survives as the key witnesses have already been examined before the learned trial Court.

Lastly, it is submitted that a bare reading of the FIR would show that the prosecutrix was in continuous telephonic contact with the petitioner and had travelled from her home to Hoshiarpur and thereafter to Amritsar which, *prima facie*, indicates voluntary conduct of the prosecutrix.

3. *Per contra*, learned State counsel has filed short reply by way of affidavit of Sh. Hemant Malhotra, PPS, DSP, Balachaur, Sub Division, District SBS Nagar on behalf of the respondent-State and the same is taken on record. Registry to tag the same at an appropriate place.

Learned State counsel has opposed the prayer made by the petitioner while arguing that the prosecutrix is a minor aged 15 years. She was a student of 11th standard at the time of incident. The petitioner took her to a hotel near Bus Stand, Hoshiarpur where they remained for about two hours and the petitioner allured and raped her on the false pretext of marriage. Thereafter, the petitioner again committed rape with her in Amritsar. It is vehemently submitted that the prosecutrix is a minor child having no ability to ascertain good or bad for her. The medical examination of the prosecutrix was duly conducted at Civil Hospital, Balachaur.

4. I have heard learned counsel for the parties and perused the case file carefully.

5. The allegations against the petitioner are that he had taken the prosecutrix to Hoshiarpur, thereafter to Amritsar, and had subjected her to sexual assault on more than one occasions.



6. Though, it has been argued that the prosecutrix, her mother and her father have not supported the case of the prosecution and have been declared hostile, however, the evidentiary value of their testimonies is a matter to be appreciated by the learned trial Court at the appropriate stage. A perusal of the record further shows that the prosecutrix was of 15 years of age, whereas the petitioner was aged about 30 years, reflecting upon the considerable age difference, and the prosecutrix being a minor could not have legally consented to the alleged acts. The DNA and medical samples of the petitioner as well as the prosecutrix were sent for forensic examination and, as per report received on 20.02.2026, human semen and male DNA attributable to the petitioner has been detected. The said scientific evidence *prima facie* indicates that physical relations were established between the petitioner and the minor prosecutrix; thereby attracting the offences alleged under the POCSO Act. The statement of the prosecutrix recorded under Section 183 BNSS on 11.07.2025 before the learned Illaqa Magistrate, Balachaur, wherein she had narrated the occurrence in detail, also assumes significance.

7. Charges in the present case were framed on 22.09.2025 and the remaining prosecution witnesses are yet to be examined. At this stage, this Court is not expected to conduct a meticulous appreciation of evidence or record findings on merits, which shall fall within the domain of the learned trial Court. Considering the nature and gravity of allegations, the material collected during investigation and the stage of trial, this Court does not find



any sufficient ground to extend the concession of regular bail to the petitioner, at this stage.

- 8. Consequently, the present petition stands dismissed.
- 9. Nothing observed here-in-above shall be construed as an expression of opinion on the merits of the case.

13.05.2026
SN

(NEERJA K. KALSON)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No