

2026.PHHC.0807/04



221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23893 of 2026 (O&M)

Date of Decision: 21.05.2026

Rohit

..... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Atul Gaur, AAG., Haryana.

NEERJA K. KALSON, J.

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in FIR No.496 dated 05.08.2024 registered under Sections 310(2), 311, 331(8), 61, 70(1) and 238(c) of the Bharatiya Nyaya Sanhita, 2023 (corresponding Sections 395, 397, 460, 120, 376-D, 201 of the IPC), at Police Station Chandani Bagh, Panipat, District Panipat.

2. As per the case of the prosecution, on 05.08.2024, information was received regarding a robbery committed in the house of complainant Ravinder situated at Village Ugrakhedi, Panipat. On reaching the spot, the police found that household articles were lying scattered, locks and handles of cupboards had been broken and grills/latches of the doors were also found damaged. The complainant alleged that during the intervening night, about six persons forcibly entered the house after jumping over the wall, pinned him down while he was sleeping, tied his hands, assaulted him and threatened to kill him by putting a knife on his neck. It was further alleged

that the accused persons committed robbery of cash, gold jewellery and other valuables from the house.

3. During investigation, supplementary statement of the complainant was recorded on 13.08.2024, wherein allegations regarding sexual assault upon the tenant residing in the house were also levelled. The prosecutrix was medically examined and her statement under Section 183 BNSS was recorded before the learned Magistrate wherein she specifically alleged that five persons had entered the house, assaulted the complainant and thereafter forcibly committed wrongful acts against the prosecutrix.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 17.12.2024 and the complainant as well as the prosecutrix have already been examined before the learned trial Court and have not supported the prosecution case and, thus, have turned hostile. It has, therefore, been argued that no useful purpose would be served by keeping the petitioner in further custody.

5. *Per contra*, learned State counsel has opposed the prayer for grant of bail on the basis of status report by the way of affidavit of Mr. Suresh Kumar, Deputy Superintendent of Police, traffic, Panipat, filed before this Court. It has been submitted that the allegations in the present case are grave and serious in nature involving house trespass, robbery and sexual assault. During investigation, the petitioner was found involved on the basis of disclosure statements suffered by co-accused persons and he was duly identified during test identification parade conducted in accordance with law. It has further been submitted that pursuant to the disclosure statement suffered by the petitioner, the knife used in the commission of

offence was recovered from him and Section 25 of the Arms Act was also added in the case.

6. Learned State counsel has further submitted that various robbed articles including gold ornaments and valuables were recovered during investigation and the same were duly identified by Navdeep, brother of the complainant. The prosecution has also relied upon the FSL report wherein human semen was detected on exhibit-3 (Salwar), exhibit 4 (underwear), exhibit-8 (underwear) collected during investigation. It has also been pointed out that out of total 25 prosecution witnesses, only 6 witnesses have been examined so far and the trial is still at a crucial stage. The petitioner also stated to be involved in another criminal case registered against him. The learned State counsel further submits that for the reasons aforementioned, the present petition deserves to be dismissed in the interest of justice.

7. I have heard learned counsel for the parties and have perused the paper-book as well as the record produced before this Court.

8. The mere fact that the complainant and the prosecutrix have not supported the prosecution case during their examination before the trial Court cannot, by itself, be treated as a conclusive circumstance for grant of regular bail to the petitioner at this stage. The prosecution case alleges allegations that are grave in nature and, pertain to an incident where the accused persons allegedly trespassed into the house of the complainant during nocturnal hours, committed robbery after intimidating and assaulting the complainant and thereafter also committed sexual assault upon the prosecutrix.

9. The status report further reflects that the petitioner was identified during test identification parade and the knife allegedly used in the commission of offence was recovered pursuant to his disclosure statement. The recovered robbed articles were also duly identified during investigation by the brother of the complainant. The prosecution case is also stated to be supported by scientific evidence collected during investigation, including the FSL report.

10. At this stage, this Court is not expected to conduct a mini trial or record any conclusive findings on the evidentiary value of the statements already made before the learned trial Court. Given the overall facts and circumstances of the case; nature of accusations; manner of commission of offence; and material collected during investigation, this Court is not persuaded to extend the concession of regular bail to the petitioner.

11. Accordingly, finding no merit in the present petition, the same is dismissed.

12. However, considering the fact that the petitioner is in custody since 17.12.2024, the learned trial Court is directed to make an endeavour to expedite the trial and conclude the same as expeditiously, without granting unnecessary adjournments to either of the parties.

13. It is clarified that nothing observed hereinabove shall be construed as an expression on the merits of the case.

14. Pending applications, if any, also stand disposed of.

(NEERJA K. KALSON)
JUDGE

21.05.2026

s.khan

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