

2026.PHHC.072772



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25124-2026 (O&M)

Date of Decision: 08.05.2026

RAHUL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present : Mr. Akash Khurcha, Advocate
for the petitioner.

Mr. Parmod Kumar, A.A.G., Haryana.

N.S. SHEKHAWAT, J. (ORAL)

CRM-20510-2026

This is an application under Section 528 of BNSS (earlier under Section 482 Cr.P.C) for placing on record the statement of prosecutrix and her mother namely, Pinky (complainant) under Section 180 of BNSS, 2023 (earlier under Section 161 Cr.P.C.).

For the reasons recorded in the application, the same is allowed and the statement of prosecutrix and her mother namely, Pinky (complainant) is taken record, subject to all just exceptions.

CRM-M-25124-2026

The petitioner has filed the present petition under Section 483 of the B.N.S.S (earlier Section 439 Cr.P.C) with a prayer to grant a regular bail to him in case FIR No.134 dated 24.06.2024 registered under Section

140 of BNS (earlier under Section 365 of IPC) and under Section 6 of POCSO Act, at Police Station Sector 17, Faridabad, Haryana.

2. The FIR in the present case was registered on the basis of the statement made by Pinki, wife of Raju, which is reproduced below:

“To

*The In charge, Police Post,
Sector 16, Faridabad.*

Sir,

*It is submitted that I Pinki W/o Raju R/o House No.349, Gali No.01, Near Anil Pani Plant Sant Nagar Faridabad and I have three children, out of them, two are sons and one is a daughter aged about 13 years and she studies in Class 7 at Government School, Old Faridabad and she used to keep talking on mobile phone to whom I scolded to make understand for not using mobile phone and she being annoyed for this had left home on 23-06-2024 at around 4 pm. I have a suspicion that my daughter has been kidnapped by someone. I tried to search for her but all was in vain. The structures of my girl **Lakshmi** is as follows (**Colour Gehua, Face Gol, Slim Body, Mark of Mole on Nose, Height 5 feet, Age 13 Years, she has worn suit of yellow colour along with Pajami and worn slippers in the feet**). It is requested to you sir, that my complaint be registered and search of my daughter be conducted. (SD Pinki)”*

3. Learned counsel for the petitioner contends that, from the FIR (Annexure P-1), it is apparent that the daughter of the complainant had left on her own as she was being harassed by her family members, including the complainant. He further submits that she used to talk to someone on the mobile phone and was also in contact with other boys. He further submits

that the prosecutrix had allegedly left her home on 23.06.2024 in the afternoon and was recovered by the police after several days, *i.e.*, on 19.07.2024. According to her statement, she had left her home voluntarily and had allegedly solemnized marriage with the petitioner at Chandigarh. He further submits that she had visited different places without raising any alarm or offering any resistance of any kind. Learned counsel further contends that, even from the statement of the prosecutrix, it appears that she had been tutored by someone to depose against the present petitioner. Otherwise, the petitioner had no concern with the alleged crime. He further submits that the petitioner is a young boy, aged about 22 years and has been in custody since 20.07.2024. He also contends that the statement of the prosecutrix has already been recorded by the trial Court and, therefore, the petitioner may not be in a position to tamper with the prosecution evidence any further.

4. On the other hand, learned State counsel has opposed the submissions made by the petitioner on the ground that the petitioner is the principal accused and the allegations have been levelled solely against him. The prosecutrix has also appeared as PW-1 before the trial Court and has supported the case of the prosecution. Further, the FSL report (Ex. PX) has been received and blood has been detected on the vaginal swabs as well as on the underwear of the petitioner. However, he submits that the DNA report is still awaited.

5. I have heard learned counsel for the parties and perused the record with their assistance.

5. In fact, the allegations levelled by the prosecution against the present petitioner are serious in nature, however, the petitioner cannot be confined in jail for an indefinite period as an undertrial prisoner. The petitioner is a young boy, aged about 22 years and has never been involved in any other criminal activity. Moreover, the prosecutrix in the present case, has already been examined and the petitioner would not be in a position to tamper with the prosecution evidence in any manner. The trial Court has wrongly observed that there is a possibility of the petitioner absconding in order to evade the trial. In fact, there is no material on record to substantiate the plea that the petitioner may not appear before the trial Court or may evade the process of law. Thus, at this stage, without commenting upon the merits of the present case, the present petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned, subject to the following conditions :-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

May 08, 2026
gurpreet

[N.S. SHEKHAWAT]
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No