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

CRM-M-36816-2025 (O&M)

Date of Decision:-04.02.2026

Devesh Kumar @ Durgesh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ravinder Kaushik, Advocate
for petitioner.

Mr. Ashwani Bhatia, AAG, Haryana.

AMARJOT BHATTI, J.**CRM-4365-2026**

This is an application u/s 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record order dated 18.03.2025 as Annexure A-1.

For the reasons stated in the application, same is allowed. Accompanying document as Annexure A-1 is taken on record, subject to just exceptions.

Application is disposed of accordingly.

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1. The petitioner –Devesh Kumar @ Durgesh has filed 2nd petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.79 dated 07.02.2024, under Section 342 of IPC &

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Sections 4 & 6 of POCSO Act, registered at Police Station Saran, District Faridabad (Annexure P-1).

2. As per the facts of case, complainant (mother of the victim) namely 'A' gave her statement that her daughter (victim) namely 'N' was aged about 13 years. On 06.02.2024, she was sleeping in the room along with family. Her husband returned home at about 11:00 PM and when he switched on the light, it was noticed that the victim was not in the room. They waited for some time that she might have gone to the bathroom. When she did not return, they started searching for her. Everybody staying in the rooms came out but Durgesh who lived in the adjoining room did not come out. Her younger son peeped inside the room through window and saw the victim sitting in the room of Durgesh. Durgesh opened the door and the victim came out. She disclosed that she had come out for going to the bathroom when she was taken inside by Durgesh and thereafter, he closed the room. It was alleged that Durgesh did not do anything wrong with her. Her son informed the police. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner has argued present bail petition on the ground of long custody. It is stated that petitioner is behind the bars since 06.03.2024 and the trial in this case is still going on. Therefore, his regular bail petition may be allowed.

4. Status report filed. Along with the status report, MLR of the victim is annexed as Annexure R-1. The statement of the victim recorded under Section 164 Cr.P.C. is Annexure R-3. The report of Regional Forensic Science Laboratory Bhondsi, Gurugram is Annexure R-6 and the

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DNA report is Annexure R-7. It is pointed out that the aforesaid record is fully supporting the prosecution case. Even earlier the regular bail petition filed by the petitioner was declined by this court vide order dated 18.03.2025 (Annexure A-1). Considering the gravity of offence, regular bail petition filed by petitioner is opposed.

5. I have considered the arguments. It is a matter of record that first regular bail petition filed by the petitioner bearing CRM-M-2354-2025 was declined by this court vide order dated 18.03.2025. In the said order, the statements of prosecution witnesses recorded during trial, the report of Forensic Science Laboratory as well as DNA report were duly considered. Till date, prosecution has already examined four witnesses. In the case in hand, the age of the victim was 13 years at the time of incident. The evidence led before the trial court as well as the aforesaid reports will be considered by the trial court at appropriate stage. Other material witnesses are yet to be examined. The allegations against the petitioner and the gravity of offence cannot be ignored. Therefore, I do not find a fit case for grant of regular bail and accordingly the 2nd regular bail petition filed by petitioner is declined.

However, considering the custody period, the trial court is directed to expedite the trial.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

04.02.2026*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No