



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

(121)

CRM-M-45591-2025(O&M)

Date of Decision: 30.03.2026

KRISHAN PHOUGAT

.....Petitioner

Versus

STATE OF HARYANA AND ANR.

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr.Arun Chander Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. This is the second petition filed under Section 483 BNSS for the grant of regular bail to the petitioner in case FIR No.165 dated 07.07.2024 under Sections 201, 376, 376(2)(I), 376(2)(f) and 511 IPC, registered at Police Station Arya Nagar, District Rohtak. The first petition was dismissed as withdrawn on 20.03.2025.

2. The translated version of the FIR is reproduced below:-

“Sir, the facts of the case are such like that on dated 07.07.24, the plaintiff, xxxx daughter of Hariom resident Mahrana district Jhajjar, came to the police station and submitted an application, which is attached. To SHO Saheb, Police Station Arya Nagar, Rohtak, Sir, my humble request is that I am xxxx D/O Hariom resident Mahrana district Jhajjar, I am a student of B.A 2nd year in Nari Uday Foundation Kapil Andhprakash Vidyalay Ghanipura, Rohtak. On 29th June, 2024 at around 1 o'clock, in the night, I was gone to address the call of nature and when I was washing my hands, the clerk of our organization, whose name is Krishna Phogat was standing there I asked Sir, why haven't you slept yet? Sir said no, Mummy is not well. Sir was standing on the side of the boys' bathroom. Sir caught my hand and forcefully pulled me inside the voseroom and then tried to force with me and started touching my private parts. When I protested, he said nothing-nothing child, I am making love to you. He took out my lover and then took out his lover and tried to forcefully put it inside my private part. He hold me very tightly and started kissing me and tried to forcefully do wrong things with me. When I screamed, Mummy xxxxx came there and



Krishna Sir pushed me from there into the girls' bathroom. Then Mummy came there and got my door opened and went to her room with Krishna Sir and I went to my room, then after 5 minutes, Mummy called me out of my room and started scolding me and in the morning, she called my father and asked him to take me home. my father came in the morning and took me with him. I did not tell anything to anybody after coming home and yesterday on 16th July, when Papa was asking to drop me back to the institute, then I told Papa about the entire incident that happened with me. Then Papa helped me and brought me to the police station today. Krishna Sir has done wrong with me, please take action against him. Yours sincerely, Sd/- xxxx-

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case, for the reason that he had informed the head of the institution about her relations with some other person. It is submitted that there is a delay of 7 days in registration of the FIR. Moreover, there is no evidence on record that points towards the complicity of the petitioner. In fact, the victim has herself refused for her medical examination. It is further submitted that the petitioner has already undergone an actual custody of 01 year, 08 months and 19 days. There is no other case against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that there are serious allegations levelled against the petitioner. The petitioner is a Clerk, who is working in the NGO which gives shelter to mentally impaired people and he had made a serious crime in the protective custody of the institution. Reliance is placed on Annexure R-3 to submit that the complainant is suffering from 100% disability. Even in her statement under Section 183 of BNSS and testimony recorded before the trial Court, the prosecutrix has supported the case of the prosecution. The charges were framed on 06.06.2025 and out of a total of 16 prosecution witnesses, 05 have



been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Prima facie, specific allegations regarding the commission of a grave and heinous offence of rape have been levelled. It is the allegation that the petitioner, misusing his position of authority, established forceful physical relations with the prosecutrix, stated to be suffering from 100% disability. The statement of the prosecutrix recorded under Section 183 BNSS, and her testimony before the learned Trial Court, are consistent with respect to the allegations. Therefore, in view of the gravity of the alleged offence and the material on record, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the instant petition same stands dismissed.

7. However, considering the custody period undergone by the petitioner, the trial Court is directed to conclude the trial expeditiously.

08. Nothing mentioned hereinabove will be construed as an expression of opinion on merits of the case.

09. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 30, 2026
SwarnjitS

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