

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

(107)

CRM-M-47110-2025

Date of Decision: 20.2.2026

Harmesh Lal

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. A.S.Manaise, Advocate
for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

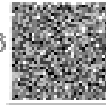
Ms. Arti, Advocate and
Ms. Sandipa, Advocate
for respondent No. 2.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 42 dated 28.4.2024 under Sections 376(3), 506 IPC and Section 6 of the POCSO Act, registered at Police Station Sadar Phagwara, District Kapurthala.

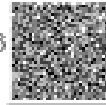
2. The translated version of the FIR is reproduced below:-

“Statement of xxxxxx wife of Gobind Nath daughter of Sodhi Ram resident of Village Pachhtan, PS Rawalpindi, District Kapurthala, now at village Balalo, PS Sadar Phagwara, District Kapurthala, aged about 40 years, mobile No.95179-xxxxxx. Stated that I am a resident of the above said address and do household work. I have 5 daughters. My youngest daughter is xxxxx daughter of Gobind Nath resident of village Pachhtan, PS Rawalpindi, District Kapurthala now at Village Balalo, PS Sadar Phagwara, District Kapurthala is aged about 13/14 years who is a student of 5th class at Govt. Primary School, Balalo. My second daughter Raju Bhatia has been



working in the house of my neighbour Harmesh Lal son of Dalip Chand resident of Village Balalo, PS Sadar Phagwara and my younger daughter also accompanies her at times. For the last 2 days, the health of my younger daughter was not well and I enquired from her, who did not disclose anything clearly to me. On my asking again, she disclosed in fear that when she went with Raju to the house of Harmesh Lal, then Harmesh Lal used to call me in the room on the pretext of getting water and threatened and molested me and said that if you tell anybody, you will be killed. Then one day, Harmesh Lal called me in his room and did bad act with me. In fear, I did not tell anybody and later whenever I used to go to his house with my sister Raju, then on getting an opportunity, he used to commit bad act with me and threatened me. Many times, Harmesh Lal used to take my sister and me to fields to get fodder and sometimes he used to take me alone and commit bad act with me at the motor. On 22.04.2024, Harmesh Lal committed bad act with me at his house. At this, I got my daughter admitted at Civil Hospital, Phagwara. Harmesh Lal has been committing rape upon my daughter by threaten her. Today I along with my cousin Kuldeep Singh have come to Police Station and got my statement recorded, which has been heard, is correct.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 72 years, has been falsely implicated in the present case by the complainant, who is the mother of the prosecutrix, due to some personal grudge. There is no cogent evidence available on record to connect the petitioner with the present case. It is further submitted that the statement of the prosecutrix recorded under Section 164 Cr.P.C. is not corroborated by medical evidence. As per the MLR of the prosecutrix, there is neither any injury on her person, nor is there any sign of sexual assault upon her. Furthermore, there is a delay of 06 days in lodging the present FIR. He submits that the petitioner has undergone an actual custody of 01 year, 09 months and 19 days and there is no other criminal case registered against

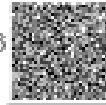


4. *Per contra*, learned State counsel as well as the learned counsel for respondent No. 2 have vehemently opposed the submissions made by the learned counsel for the petitioner. They state that specific allegations have been levelled against the petitioner. Moreover, the statement of the prosecutrix under Section 164 Cr.P.C. has been recorded, wherein she has leveled specific allegations against the petitioner that he used to commit rape upon the prosecutrix, whose date of birth is 17.10.2010 as per her school certificate, by inducing fear and threat. It is submitted that though FSL report does not bring out any evidence against the petitioner, given the delay, however, the MLR of the prosecutrix records that her hymen was ruptured at the time of her medical examination.

5. Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 09 months and 19 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 03.7.2024 and out of total 21 prosecution witnesses, only 01 witness has been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. In the present case, charges have been framed in relation to offence under Section 6 of the POCSO Act. The same attracts the provisions of Section 29 of the said Act, the bare language of which speaks about the adverse presumption to be drawn against a person prosecuted for committing or abetting or attempting to commit any offence under Sections 3, 5, 7 and



threshold of satisfaction required.

8. *Prima facie* grave and serious allegations have been levelled against the petitioner that he molested the prosecutrix, stated to be 14 years of age, committed rape upon her and also threatened her over a substantial period of time. The prosecutrix in her statement recorded under Section 164 Cr.P.C. has reiterated the version recorded in the FIR. The MLR of the prosecutrix also *prima facie* corroborates the allegations. Moreover, given the tender age of the prosecutrix, the delay in the registration of the case is also *prima facie* not fatal. Moreover, it is only the complainant whose testimony has been recorded. Even the prosecutrix remains to be examined before the learned trial Court, besides 20 other prosecution witnesses. Under such circumstances, this Court is not inclined to grant the concession of regular bail to the petitioner at this stage.

9. Accordingly, the present petition is hereby dismissed.

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

(KIRTI SINGH)
JUDGE

February 20, 2026

Gurpreet Singh

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