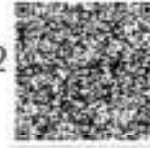


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:005502



CRM-M-58860 of 2024(O&M)
Reserved on: 14.01.2026.
Pronounced on:16.01.2026.
Uploaded on:16.01.2026.

Kapil

.Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Kamal Kant, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Rajesh Duhan, Advocate
for the complainant.

SHALINI SINGH NAGPAL, J.

Petitioner seeks regular bail in case vide FIR No.895 dated 29.11.2022, under Sections 363, 366-A, 376(3) and 506 of IPC and Section 6 of POCSO Act, 2012, Police Station Indri, District Karnal. This is the first petition for regular bail.

The case was registered on complaint of mother of the prosecutrix who reported that on 25.11.2022, when she was away to Karnal her daughter 'R' aged 15 years was alone at home. When she returned 'R' was missing. She made a phone call to 'R' but the phone was switched off. Her younger daughter informed that Kapil son of Satbir of the village had taken away 'R' on motor cycle. She approached Satbir father of Kapil who told her that her daughter would be made over within two days but threatened her not to move any complaint in that regard. For 4-5 days, there

was no information regarding her daughter. Kapil and his father were addicted to intoxicants and were criminal kind of persons. She feared for her daughter and life and liberty of her family members.

FIR was registered. During the course of investigation, statement of minor victim was recorded under Section 164 Cr.P.C. She stated that she had solemnised marriage with Kapil on 26.11.2022 at Chandigarh and returned home the next day. Kapil had converted to Muslim religion. On 28.11.2022 they came to Panipat and took a room on rent. No wrong happened with her. On 23.12.2022 complainant produced an affidavit for cancellation of case and cancellation report was prepared on 28.05.2023. Later, the matter was reinvestigated and on reinvestigation Section 376 (3) IPC and Section 6 of POCSO Act, were added. Prosecutrix who was a minor was found 28-30 weeks pregnant. Final report under Section 173 Cr.P.C. was submitted in the Court. Prosecutrix delivered a child on 23.09.2023.

Learned counsel for the petitioner submits that petitioner and prosecutrix belonged to the same village and were in a consensual relationship. Both decided to get married. The minor willfully left home and went with the petitioner. They were married on 26.11.2022 after petitioner converted to Muslim religion. He further submits that the petitioner and the minor also approached this Court for protection of life and liberty and order Annexure P-4 was passed in their petition. Even the prosecutrix in her statement under Section 164 Cr.P.C. stated that she married petitioner on 26.11.2002 and refused for her medical examination. Petitioner who was in custody for the last more than 2 years and 1 month deserved to be enlarged on regular bail.

Learned State counsel has filed status report alongwith custody certificate. Assisted by learned counsel for complainant, he opposes the prayer for regular bail submitting that consent of the minor victim was of no consequence. He further submits that as a consequences of the offence committed, prosecutrix delivered a baby. The petitioner was biological father of the child and considering the serious nature of allegations, petitioner was not entitled to concession of bail.

Concededly, statement of the prosecutrix has been recorded during trial. There is now no prospect of the petitioner influencing her or tampering with evidence. Petitioner has a fixed abode. There is no material to suspect that he would evade the process of law or flee from justice. His antecedents are clean. He has been in custody for the last more than two years. Out of 20 witnesses, only three witnesses have been recorded. Trial is progressing at slow pace. In the given facts and circumstances of the case but without commenting on merits, petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

16.01.2026.

reema

Whether speaking/reasoned : Yes

Whether reportable : No