



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(111)

CRM-M-61651-2025 (O&M)
Date of Decision: 28.04.2026

SAWAN BHATTI

.....Petitioner

Versus

STATE OF UT CHANDIGARH

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vinod Kumar Kaushal, Advocate and
Ms. Saroj Kumari, Advocate
for the petitioner.

Mr. Rahul Arora, A.P.P. U.T. Chandigarh.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.93 dated 20.05.2024, under Section 354, 354-A, 376 and 506 of IPC (Section 509 of IPC added later on), registered at Police Station Central Sector 17, District Chandigarh.

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

“To SHO, Sector 17, Dated: 20.05.24 at 10:30 PM, I was on a call and sitting in the park in Sector 16-A. The power went out. I decided to get out of the park. Only one other person was in the park while I was there. I continued my conversation continued walking when I was suddenly grabbed from behind. The person was taller than me and covered my mouth with his hand. I was screaming and he pushed me to the side of the road he asked me, remove the gold chain, have you anything more? when I said I did not have anything, he said let me touch you, my arms were locked in front of my Chest. He took one



hand and put it under his legs so I could not move or resist. Then he put his hands inside my shirt and grabbed my breast Constantly threatening me with I will take out a knife and kill you and a bike passed is but they did not stop. He forced me to open my legs and put his hands inside my lowers. He put his fingers in side my vagina and asked me, will you masturbate I protested then he threatened me again and picked me up and took me further inside the alley on the side. Forced me to hold his penis in my hand then he ejaculated leaving Stains of his semen on my lowers and then he ran away towards the side where I live. He was wearing a black t-shirt, cargo-shorts and his face was covered with a black bandanna. My phone was switched on and I was a call and my friend did hear my screams and called my home. I can recognize the person if he appears in front of me. xxxxxx 63874xxxxxx R/o H.No 60 Sector 16-A Chandigarh. At that time it is submitted that I SI was present at the police station. The complainant xxxxxx R/o H.No 60 Sector 16 A Chandigarh came to police station and produced one written complaint before me SI and on perusal of complaint offence under Section 354, 354A, 376, 506 IPC has been found against the Unknown Person and on that FIR No.93 dated 20.05.2024 u/s 354, 354A, 376, 506 IPC has been registered against the Unknown Person.”

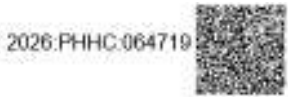
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant FIR, which was registered on the statement of the complainant, alleging therein that person, though not known to her but whom she could identify if she come across, had sexually exploited her. It is submitted that the petitioner was not named in the FIR, but was implicated subsequently, being a case of mistaken identity. He further submits that as per the own version of the complainant, the offender's face was covered with a black bandanna; as such, the identification of the petitioner as the accused is without any basis. The petitioner, a 28 year old, has already undergone actual custody of 1 year, 9 months and 27 days.



4. Learned counsel appearing on behalf of U.T. Chandigarh has opposed the prayer made in the present petition and submits that there are specific and serious allegations against the present petitioner, of committing penetrative sexual assault upon the complainant. During the course of investigation, the petitioner was arrested on 01.07.2024, thereafter he suffered a disclosure statement and got recovered the clothes. As per FSL report, the presence of human semen is confirmed on the pajama of the complainant, and even the DNA obtained from the samples of the complainant (viz. the pajama of the complainant, on swab from in between fingers, stains on the body, nail swabbing of both hands and nail clipping of both hands of the complainant has matched with the DNA of the petitioner. The statement of the prosecutrix was recorded under Section 183 BNSS, wherein allegations levelled against the petitioner were reiterated. The testimony of the complainant has also been recorded before the learned trial Court, in which she has supported the case of the prosecution. Further, the petitioner is also involved in one FIR, which has been lodged on similar allegations. After completion of investigation in the present case, the challan was presented, and thereafter charges were framed against the petitioner on 21.08.2024. Moreover, 17 out of the 23 prosecution witnesses stand examined. Therefore, the petitioner does not deserve to be granted the concession of regular bail by this Court.

5. Heard the learned counsel for the parties.

6. *Prima facie*, grave and specific allegations of forcibly grabbing the complainant while she was walking in the park, taking her to a dark alley, and committing penetrative sexual assault upon her, have been levelled against the petitioner. A detailed account of the alleged incident has been



narrated by the complainant at the time of lodging of the FIR. The complainant in her statement recorded under Section 183 BNSS and in her testimony has before the learned trial Court has remained steadfast with respect to the said allegations, which are prima facie also corroborated by the forensic evidence on record. It has also come on record that another FIR for a similar offence has been registered against the petitioner, in which too he is facing trial. Therefore, under such circumstances, this Court is not inclined to grant the concession regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

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

8. It is made clear that nothing observed hereinabove shall be construed as an expression on the merits of the case.

Application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

April 28, 2026
JthJesh

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