

CRM-M-63636-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63636-2025(O&M)
Reserved on: 10.02.2026
Pronounced on : 12.02.2026
Uploaded on: 12.02.2026

ABHJEET NAYAK @ ABHIJEET NAYAK

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

Coram: Hon'ble Mrs. Justice Shalini Singh Nagpal

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

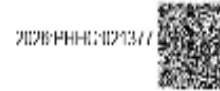
Mr. Kunwarbir Singh, AAG Punjab.

Mr. Jayender S. Chandail, Advocate
and Mr. Jatan Dayal Chandail, Advocate
for the complainant.

SHALINI SINGH NAGPAL J.

1. Petitioner seeks regular bail in case arising out of FIR No. 0030 dated 03.03.2023 under Sections 376(2)(n), 315 Indian Penal Code and 6 Protection of Children from Sexual Offences Act, 2012, Police Station Banur, District Patiala. This is the first petition for regular bail.

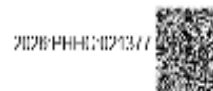
2. Prosecutrix aged 18 years stated in the FIR that her parents left her in Full Gospel Church of Love, Village Kurala, Police Station Banur, District SAS Nagar (Mohali) in the year 2011 for study purpose. The church was run by Pastor Prabhat Chander who lived inside the church, along with his family. Son of Pastor Prabhat Chander namely Abhijit lived with him.



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15-16 boys lived on the ground floor of the church besides 20-22 girls, who lived on the first floor. Abhijit forcibly started doing wrong things with her in the end of 2021. He had forcible sexual intercourse with her against her will in the School office, when other children were out for tuition, under threat of making her video viral. Thereafter, he had forcible sexual intercourse with her repeatedly on the pretext of marriage. During this time, she became pregnant and complained about Abhijeet to his father and his mother. They also threatened her to keep quite. In April 2022, she was taken to Rajpura and given a vaccine for abortion in the hospital. Even after getting injected, she did not miscarry. Therefore, Abhijit's parents took her to Sanjeev Hospital, Rajpura, where her abortion was done. She shared the matter with her mother, who spoke to Pastor Prabhat Chander, who assured that they would solemnize marriage, when their children became adults. But now Pastor Prabhat Chander and Abhijit had refused to marry her.

3. Learned counsel for the petitioner submits that the FIR was lodged in the year 2023, 02 years after the alleged incident of forcible sexual intercourse. He refers to Annexure P-3, affidavit sworn by the prosecutrix, wherein she stated that the case was registered by mistake and she did not wish any further action. It was argued that on the basis of the affidavit, police submitted a cancellation report in the case, which was opposed by the complainant and the matter was sent for re-investigation. Later, petitioner was arrested and the final report was filed in the Court. Petitioner was behind bars since April 2025. Prosecutrix had since been examined. There was no evidence collected by the prosecution regarding the alleged abortion



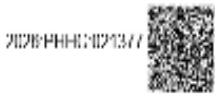
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and considering all these facts, petitioner deserved to be enlarged on regular bail.

4. Learned State counsel has opposed the prayer for bail submitting that prosecutrix was subjected to repeated instances of forcible sexual intercourse, while she was living in the hostel of the school. The child became pregnant and was taken for abortion twice. Though 08 witnesses had been examined, 13 were yet to be recorded. Considering the serious nature of allegations, petitioner did not deserve the concession of bail.

5. Learned counsel for the complainant had strongly opposed the prayer for regular bail arguing that the prosecutrix had to undergo trauma of two abortions, which were induced at the behest of the petitioner. The child was administered numerous drugs and it was only after the second attempt that the abortion was successful. The traumatic incident scarred the child physically and mentally. He prayed that petition be dismissed.

6. The incident pertains to the year 2021 and the FIR has been registered in 2023, after prosecutrix attained the age of majority. Initially, the police presented cancellation report in the case on the finding that the petitioner was innocent. Prosecutrix has since been examined in the case and has fully supported the prosecution case. As per custody certificate, petitioner is in judicial custody for the last 10 months. Though the effect of contradictory statements made by the prosecutrix during the investigation and trial would be determined, at the time of final adjudication of the case, there is no ground to suspect that petitioner would tamper with the evidence or obstruct the process of law. His antecedents are clean and he has no criminal history. In the facts and circumstances of the case, but without



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commenting on merits, petition is allowed. The petitioner-Abhjeet Nayak @ Abhijeet Nayak is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate/Chief Judicial Magistrate.

7. Pending CRM(s), if any, are also disposed of accordingly.

(SHALINI SINGH NAGPAL)
JUDGE

12.02.2026
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>