



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

(105)

CRM-M-70624-2025 (O&M)

Date of Decision: 01.5.2026

Gurdeep Kumar @ Kala

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Deepanshu Bansal, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

Mr. Vishal Garg, Advocate
for respondent No. 2 (through V.C.)

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. 134 dated 26.3.2025 under Sections 64, 96 and 137(2) of BNS, 2023 and Section 4 of the POCSO Act, registered at Police Station Chandimandir, District Panchkula.

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

“Respected Sir, It is submitted that myself, Sanjeev Kumar son of Aghya Ram, resident of village Khangsara, Panchkula, stated that my daughter xxxxx, aged 16 years, has been enticed and taken away by Gurdeep Gujjar @ Kala Doctor, resident of Rattewali, on the pretext of marrying her. Since yesterday, i.e., 25.03.2025, I along with the family members of Gurdeep Gujjar have been searching for my daughter xxxxx and Gurdeep. Gurdeep Gujjar is already married and the father of two children, yet he deceitfully took my daughter away with him. Therefore, it is requested that my daughter xxxxx be



traced and recovered, and legal action be taken against Gurdeep Gujjar.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 33 years is married, having children and has been falsely implicated in the present case by the complainant, who is the father of the prosecutrix. There is no cogent evidence available on record to connect the petitioner with the present case. It is further submitted that on 06.4.2025, the prosecutrix had refused to get herself medically examined. Subsequently on 07.4.2025, the statement of the prosecutrix was recorded under Section 183 of BNSS wherein she has specifically stated that she had gone to Ambala on her own accord. However, on 08.4.2025, the prosecutrix gave her consent to undergo medical examination and on the same day i.e. 08.4.2025, the statement of the prosecutrix under Section 183 of BNSS was again recorded, wherein she materially changed her version and levelled false allegations against the petitioner. Learned counsel for the petitioner further submits that the petitioner was illegally detained for two days prior to his formal arrest. Furthermore, no grounds of arrest were ever served upon the petitioner which is a mandatory constitutional requirement under Article 22(1) of the Constitution of India. He submits that the petitioner has undergone an actual custody of 01 year and 16 days.

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. Learned State counsel submits that during investigation the statement of the prosecutrix under Section 183 of BNSS was again recorded on 08.4.2025, wherein she has leveled specific allegations against the petitioner that he made forcible physical relations



with her. The prosecutrix remained consistent in her statement recorded under Section 183 of BNSS and in her deposition recorded before the learned trial Court. It has further been submitted that the case of the prosecution is duly supported by the medical evidence.

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 and 16 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 22.7.2025 and out of total 24 prosecution witnesses, 06 witnesses have been examined till date. It is further submitted that another FIR under Sections 307, 332, 341, 353, 379-B, 384, 427 and 333 IPC, besides the present FIR, is also registered against him. Thus, it is submitted 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 4 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 Section 9 of the Act unless the contrary is proved, thereby raising the threshold of satisfaction required.

8. *Prima facie* grave and serious allegations have been levelled against the petitioner, a married man aged over 30 years and with children. It was the specific averment of the complainant/father of the prosecutrix in the



FIR that the petitioner enticed away the prosecutrix, stated to be around 16 years of age at the time of the alleged occurrence. The prosecutrix in her second statement recorded under Section 183 of BNSS, thereafter levelled the specific of commission of forceful rape and against the petitioner, with respect to which she remained steadfast in her deposition recorded before the learned trial Court. The MLR of the prosecutrix also *prima facie* corroborates the allegations. Besides the present FIR, the petitioner is also facing trial in another criminal case. Moreover, 18 out of the total 24 prosecution witnesses cited are yet to be examined before the learned trial Court.

9. Insofar as the ground of illegal arrest and detention of the petitioner is concerned, other than the mere averment, which too has been made at a belated stage, no corroborative material has been advanced by the learned counsel for the petitioner.

10. Therefore, in view of the totality of the facts and circumstances of the present case, this Court is not inclined to grant the concession of regular bail to the petitioner.

11. Accordingly, the present petition is hereby dismissed.

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

(KIRTI SINGH)
JUDGE

May 01st, 2026
Gurpreet Singh

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