



CRM-M-71208-2025 (O&M)

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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CRM-M-71208-2025 (O&M)
Date of Decision: 06.03.2026

KAPIL

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Manish Soni, Advocate
for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Gaurav Gupta, Advocate
for the complainant.

SHALINI SINGH NAGPAL, J. (ORAL)**CRM-9140-2026**

Allowed as prayed for and depositions of prosecution witnesses i.e.
PW-1 victim "MA" and PW-2 father of victim "NA" are taken on record as
Annexures P-10 and P-11, subject to all just exceptions.

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Allowed as prayed for main case i.e. CRM-M-71208-2025 is
preponed and taken on board today itself.

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1. Petitioner seeks regular bail in case arising out of FIR No. 46 dated
05.06.2025 under Sections 89, 351(3) Bharatiya Nyaya Sanhita, 2023 and
Section 6 Protection of Children from Sexual Offences Act, 2012, Police
Station Women, Ballabgarh. Sections 89 and 351(3) BNS were deleted from the

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FIR and Sections 204 and 506 IPC were added in the FIR during investigation.

This is the first petition for regular bail.

2. FIR was recorded on statement of prosecutrix aged 17 years, who reported that her neighbour Kapil son of Mohan used to visit her three years ago and expressed desire to marry her. She repeatedly refused his advances. On 31.10.2022, when she was alone at home, Kapil arrived at 12'O Clock and had forcible physical relations with her under threat to kill her and her family members. Out of fear, she did not disclose the incident to anyone. After 2-3 days, Kapil again came to her house and apologized for his past act. He said he wanted to marry her and gave her sweets to eat, after consuming which, she became dizzy and fainted. When she regained consciousness, she found herself without clothes and sensed that Kapil had committed wrong act. By the time, she came to her senses, Kapil had already left. After a few months, Kapil's family vacated the room and left. Then, she received a call from Kapil, who asked her to come and meet him. When she refused, he threatened to make her videos and nude pictures viral. Out of fear, she went to meet Kapil in January 2024. Kapil took her to a Hotel, where again he had physical relations with her under threat. After some time, she learnt that she was one and half months pregnant. When she informed Kapil, he brought her abortion medicines, which she consumed and terminated the pregnancy. Thereafter also, Kapil took her to the hotels several times, where he repeatedly had physical relations with her, without her consent. Last time he came to meet her was on 06.05.2025 and he forcibly had physical relations with her in a hotel. When she asked Kapil to marry her, he refused to perform marriage and ran away after abusing her.



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3. Learned counsel for the petitioner submits that at the relevant time, petitioner and the prosecutrix were both minors, in love with each other. Petitioner was behind bars w.e.f. 05.06.2025. During the course of trial, statement of the prosecutrix and that of her father had been recorded and both resiled from prosecution case. They did not say a word to incriminate the petitioner. Therefore, petitioner was entitled to be enlarged on regular bail.

4. Learned State counsel has not disputed that during the course of trial, statement of the prosecutrix and her father had been recorded and both were declared hostile. Prayer for regular bail is opposed.

5. Petitioner is in custody w.e.f. 05.06.2025. Statement of the prosecutrix and that of her father have been recorded. There is, thus, no prospect of petitioner influencing the main witnesses. Petitioner has clean antecedents and he is not stated to be involved in any other case. There is no reason to believe that petitioner would evade the trial or disrupt the course of justice. In the given facts and circumstances of the case but without commenting upon merits, the petition is allowed. Petitioner 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.

(SHALINI SINGH NAGPAL)
JUDGE

MARCH 06, 2026

Ajay Goswami

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No