

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH  
CRM-M-49296-2024 (O&M)  
Date of Decision:-20.03.2025**

Karambir

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

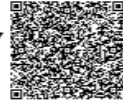
Present:- Mr. Suresh Kumar, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

**JASGURPREET SINGH PURI J.(Oral)**

1. The present is the third petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0025 dated 14.02.2022 under Section 6 of POCSO Act (Sections 323, 506, 376(2) and 450 of IPC added later on), registered at Women Police Station, District Karnal.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for about 3 years, 1 month and 1 day and out of the total cited 19 prosecution witnesses, 10 prosecution witnesses, including the prosecutrix and all the material witnesses, have been examined. He submitted that it is a case where the allegations against the petitioner were with regard to blackmailing the complainant and having forcible physical relations with him which resulted in her becoming pregnant and thereafter fetus was terminated. He also submitted that it was a case of a consensual relationship between the petitioner and the complainant and the prosecutrix was not a minor at the time of the occurrence. He also submitted that the age

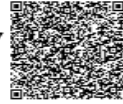


of the prosecutrix was more than 18 years, whereas it was shown to be 17 years and 10 months. He also submitted that even if, for the sake of argument, the age of the prosecutrix was considered to be 17 years and 10 months, the difference would only be of 2 months, which is marginal. He also submitted that at the same time, the petitioner has already faced incarceration for 3 years, 1 month and 1 day and as such considering the aforesaid facts and circumstances, as well as the fact that all the material witnesses have been examined, the petitioner may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, it is correct and it is also correct that 10 prosecution witnesses out of the total 19 cited prosecution witnesses, including the prosecutrix and all the material witnesses, have been examined. He submitted that as per the prosecution, the age of the prosecutrix was 17 years and 10 months and as such she was minor at the time of the incident. He further submitted that when the complainant-prosecutrix became pregnant, the fetus was preserved and the DNA of the fetus had matched with the DNA of the petitioner. He also submitted that consent of the victim who was minor at the time of occurrence is insignificant in view of the fact that there can be no consent of a minor and therefore the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner has been in custody for about 03 years, 01 month and 01 day and as per both the learned counsels for the parties 10 prosecution witnesses out of the total cited 19 prosecution witnesses including the prosecutrix and all the material witnesses have been examined.



There is a dispute regarding the age of the prosecutrix. According to learned counsel for the petitioner, the prosecutrix was more than 18 years of age, while as per learned State counsel she was 17 years and 10 months old at the time of the incident. This Court does not wish to go into the issue of the prosecutrix's age, as it can be addressed during the trial. However, for the purpose of considering the petitioner's prayer for grant of regular bail, this Court will certainly consider the custody period of the petitioner, which has come out to be 3 years, 1 month and 1 day, and the fact that all the material witnesses have been examined. Furthermore, it is neither the case of the learned State counsel nor it has been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses, or tamper with evidence. Therefore, considering the aforesaid totality of the circumstances in the present case, this Court deems it fit and proper to grant regular bail to the petitioner .

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**20.03.2025**

*shweta*

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