



CRM-M-44550-2025 (O&M)

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

(207)

CRM-M-44550-2025 (O&M)

Date of Decision:- 24.09.2025

Deepak @ Deepak Kumar

.....Petitioner

Versus

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Samay Singh Sandhawalia, Advocate for the petitioner.

Ms. Swati Batra, Sr. DAG, Haryana assisted by ASI Manjeet.

ALOK JAIN, J. (Oral)

1. The prayer is for the grant of regular bail to the petitioner in FIR No. 46 dated 03.09.2024, registered under Sections 137, 351(2), 61(2), 65(1), 74, 75(2), 96 of the BNS and Sections 4 and 8 of the POCSO Act, at Women Police Station, Kaithal.

2. Learned State counsel has filed the custody certificate and status report along with annexures by way of an affidavit of Sh. Sushil Parkash, HPS, Deputy Superintendent of Police (Crime), Kaithal, on behalf of the respondent-State, which are taken on record.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and the prosecutrix keeps on changing her version. Learned counsel for the petitioner vehemently argues that it is highly improbable that the prosecutrix would return to the same person again if she was violated on the intervening night of 14-15 July, 2024. As



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per the statement of the prosecutrix dated 04.09.2024 it was alleged that prosecutrix was forcibly taken away by petitioner on bike to the bus stand, where she was asked to change her clothes in the washroom of the bus stand, and thereafter both visited a hotel where only petitioner went inside the hotel and in the meanwhile prosecutrix's aunt called the petitioner to come back. Moreover, while returning, the petitioner took the prosecutrix behind the roadside bushes and misbehaved and molested her. Counsel for the petitioner submits that it is inconceivable that if the prosecutrix was taken away forcibly, she would not raised an alarm and instead follow the petitioner's instructions. There were no allegations of sexual assault at that stage. It was only during her testimony before the Court on 02.04.2025 much after the alleged incident that she improvised her version and claimed she was sexually assaulted.

4. *Per contra*, learned counsel for the State relies upon the medical report of the petitioner conducted on 04.09.2024, which is based on the history provided by the prosecutrix.

5. Learned counsel for the petitioner at this stage, submits that the medical report is also incorrect and contradicts the prosecutrix's testimony. In the medical report, it is recorded that she has been violated, whereas prosecutrix in her initial testimony stated that she was molested.

6. Heard learned counsel for both parties.

7. As per the allegations in the FIR, there is no mention of sexual assault. The FIR only states that the girl was missing and prosecutrix was seen by a relative roaming around with the petitioner on his motorcycle and



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as per the prosecutrix initial testimony it was alleged that the petitioner took the prosecutrix behind some bushes and misbehaved with her to which prosecutrix got scared and resisted, and while returning, she was seen by her relative and there were no allegations of penetrative sexual assault. It was only on 02.04.2025, during her deposition before the Court that she improvised and levelled allegations that petitioner has committed rape on intervening night of 14-15 July, 2024 and alleged that the petitioner is in a relationship with the prosecutrix's aunt (chachi).

8. Learned State counsel has filed the custody certificate, which shows that the petitioner has been in custody for 1 year and 17 days. She could not deny the fact that all material witnesses have been examined and the petitioner has already undergone incarceration for more than one year.

9. After hearing learned counsel for the parties and considering the fact that the petitioner is in custody since 06.09.2024 and the trial is likely to take long time, hence, no useful purpose would be served by keeping the petitioner in custody.

10. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail, if not required in any other case, subject to furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He/she shall, however, be released on the following conditions:

- i. The petitioner shall declare his/her ordinary place of residence and the mobile number used by him/her.
- ii. The petitioner will not switch off his/her mobile and in case of



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any technical glitch, he/she has to give an alternate number, which will be available in his absence.

iii. The petitioner will mark his/her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his/her presence, he/she is permitted to make an application before the Illaqa Magistrate, concerned.

iv. The petitioner will not leave the country without the prior permission of the Court, for which he/she will submit the copy of his/her passport also. However, in case, the petitioner does not possess a passport, then he/she shall file an undertaking to the said effect from being released.

11. The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023 (Section 439 Cr.P.C.).

12. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.

13. It is made clear that, in case, the petitioners are found involved in any such activity once again, the present concession granted shall automatically stand vacated.

14. Pending application(s), if any, stands disposed of.

September 24, 2025

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No

(ALOK JAIN)
JUDGE