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

CRM-M-16932-2025

Date of Decision:- 25.08.2025

RAJ KARAN

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. B.S. Mamli, Advocate for the petitioner.

Mr. Viney Saini, AAG, Haryana.

Mr. Deepak Kumar, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Raj Karan has filed instant petition under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.251 dated 23.09.2024 (Annexure P-1) under Sections 127 (4), 64 (2) (m), 137, 96 of Bharatiya Nyaya Sanhita, 2023 and Section 6 of POCSO Act, registered at Police Station Nathu Sarai Chopta, District Sirsa.

2. As per facts of the case, complainant 'S' gave her statement that on 22.09.2024 at about 11 pm, she noticed that her daughter i.e. victim 'M' left the house without informing anyone. She searched for her daughter but



could not trace her. Finally, the matter was reported to the police. With these allegations, initially, FIR was registered under Section 127 (6) of Bharatiya Nyaya Sanhita, 2023. Victim was recovered on 16.11.2024. Her statement was recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 and she was medically examined. Accused was arrested on 17.11.2024. On completion of investigation, challan was presented in the Court.

3. Learned counsel for the petitioner argued that he is behind the bars since 17.11.2024. He has not committed any offence. Victim was never given any false assurance. No allegations were levelled when the statement of victim was recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 which is Annexure P-2. Even at present, statement of the victim has been recorded as PW-3 where she has not levelled any allegations against him. He is ready to abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State of Haryana on account of gravity of offence. Along with the status report, learned State counsel has placed on record statement of the victim recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Annexure R-1). Copy of MLR is Annexure R-2. Subsequent statement of the victim recorded on 17.11.2024 is Annexure R-3. At the time of said occurrence, victim was minor. Copy of her birth certificate is Annexure R-6 according to which her date of birth is 13.11.2006. After medical examination, victim was subjected to ultrasound and as per the report (Annexure R-5) she was



10 weeks pregnant. Pregnancy was terminated as per law. There is DNA report confirming the allegations levelled against petitioner. Therefore, considering the gravity of offence, petitioner is not entitled to be released on regular bail.

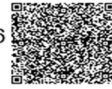
5. I have considered the aforesaid factual position. At the time of alleged occurrence, victim was 17 years 10 months old whereas age of present petitioner is mentioned as 24 years. She left the house on 22.09.2024 and was finally recovered and her statement was recorded before the Magistrate on 16.11.2024 (Annexure P-2/R-1). Copy of MLR is Annexure R-2. She was found to be 10 weeks pregnant. At present, report of DNA is also received which as per the version of State counsel is in favour of the prosecution. At the same time, during the pendency of the trial, statement of victim is also recorded as PW-3. Copy of said statement is received where she denied the allegations of rape against the present petitioner. There is statement of other witness Rai Singh (PW-4) who also did not support the prosecution case and was declared hostile. Testimonies of prosecution witnesses and the documents proved on record will be considered by the trial Court at relevant time. Trial is at initial stage.

Considering the aforesaid factual position, without going on the merits of the case, regular bail petition filed by the petitioner is allowed and he is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge, concerned.

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6. Pending miscellaneous application(s), if any, stands disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

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