



CRM-M-25730-2025

-1-

221

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

CRM-M-25730-2025

Date of Decision:- 19.08.2025

SAMEER

...Petitioner

Vs.

STATE OF CHANDIGARH (U.T )

...Respondent

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Ashish Bakshi, Advocate for the petitioner.  
Mr. Narender Kumar Vashisht, Addl. PP, UT, Chandigarh.

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**AMARJOT BHATTI, J. (Oral)**

1. Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.116 dated 28.07.2023 under Sections 376 (2) (n) and 506 of IPC and Section 6 of POCSO Act registered at Police Station Sector-34, Chandigarh.
2. As per facts of the case, prosecutrix 'BM' gave her statement that she is 17 years of age and was studying in 10<sup>th</sup> class in Government Model Senior School, Sector-45, Chandigarh. She came in contact with 'S' (Child in Conflict with law) through instagram. She told him that she was minor, therefore, their marriage cannot be performed. Finally, they decided



to be good friend. He invited her to his house in January, 2023 where he was alone. He developed physical relations with her forcibly. He also threatened her. Thereafter, she was called at different places and was sexually exploited by putting her under fear. Later-on, when she missed her periods, she went to Civil Hospital, village Burail, Sector-45, Chandigarh and came to know that she was pregnant. With these allegations, present FIR has been registered.

3. Learned counsel for the petitioner argued that he was apprehended during the course of investigation on 28.07.2023 and since then he is behind the bars. In-fact, both the petitioner and the victim were minors and now petitioner is being tried by Fast Track, Special Court, Chandigarh. Statements of all material witnesses have been recorded. Statement of alleged victim is PW5 (Annexure P-1) where she did not support the prosecution case. Age of prosecutrix is matter of trial. Petitioner is ready to abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Learned counsel representing UT, Chandigarh opposed the regular bail petition filed by the petitioner on the ground of gravity of offence. It is pointed out that statement of victim was recorded under Section 164 Cr.P.C. Date of birth of victim was verified from the concerned Authority. Challan was presented on 26.09.2023. Charges were framed on 13.10.2023 and at present, out of 29 prosecution witnesses, 19 witnesses have been examined. Initially petitioner was taken in judicial custody, thereafter, he



CRM-M-25730-2025

-3-

was sent to Observation and Special Home, Sector-25, Chandigarh. Considering the gravity of offence, petitioner is not entitled to be released on regular bail.

5. I have considered the aforesaid factual position. Admittedly, petitioner was apprehended on 28.07.2023 and he is behind the bars for the last more than 2 years. Trial in this case is going on. Learned counsel for the petitioner has placed on record attested copy of the testimony of victim recorded as PW5 where she did not support the prosecution case and was declared hostile and was called for cross-examination. As per the status report, 19 witnesses have been examined and other witnesses are yet to be examined. Trial in this case may take some time. Therefore, without expressing my mind 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.

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

(AMARJOT BHATTI)  
JUDGE

19.08.2025

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