



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

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CRM-M-16726-2025

Date of decision : 25.08.2025

Karan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Pardeep Goyal, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior D.A.G., Haryana.

None for the complainant.

NAMIT KUMAR, J. (ORAL)

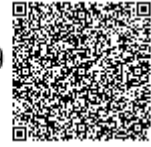
1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case FIR No.183 dated 09.08.2024 registered under Sections 6, 8 & 17 of Protection of Children from Sexual Offence Act, 2012 and Section 96 of Bharatiya Nyaya Sanhita, 2023 at Police Station Chhansa, District Faridabad.

2. Status report by way of an affidavit of Sh. Ashok Kumar, HPS, Assistant Commissioner of Police, Tigaon, Faridabad, on behalf of the respondent-State, filed in the Registry is taken on record. Compliance report by way of an affidavit of Sh. Randhir Singh, Station House Officer, Police Station Chhainsa, Faridabad, filed in the Registry is also taken on record. As per the said compliance report, the complainant/victim has been informed about the pendency of the

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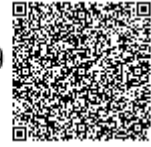
present petition. However, there is no representation on behalf of the complainant/victim.

3. Brief facts of the case are that on 09.08.2024, the prosecutrix got recorded her statement in the presence of legal aid counsel that she is 15 years old. Her father is a barber and her mother works in a private company. She knows Karan s/o Prem Kumar (the present petitioner) for the last 20-25 days. About 20 days ago, the petitioner and co-accused Karan s/o Om Parkash took her on bike near the highway where they stopped under the bridge. Co-accused Karan s/o Om Parkash called his cousin Kapil and Ranjeet there. Thereafter, the petitioner had molested her and kissed her. The accused clicked photographs with her. In the evening at around 5:00 p.m., they dropped her at her house. About 10 days ago, co-accused Karan s/o Om Parkash took her to the room of co-accused Kapil. The petitioner, Ranjeet, Kapil and Raj @ Hasnain were already present there. She drunk pepsi. Thereafter, co-accused Karan s/o Om Parkash asked her to kiss Ranjeet. Raj @ Hasnain had molested her. Co-accused Karan s/o Om Parkash kissed the prosecutrix. After half an hour, co-accused Karan s/o Om Parkash dropped her at her house. Thereafter, on 06.08.2024 again co-accused Karan s/o Om Parkash took her at the room of co-accused Kapil and committed aggravated penetrative sexual assault upon her. About 10 days ago also, he had committed the said wrong act with her. She had also keeping a small phone without the knowledge of her family and used to talk with co-accused Karan s/o Om Parkash. On 08.08.2024, the father of the prosecutrix has some suspicion and he



checked her school bag and got the mobile phone of the prosecutrix. Upon which, the prosecutrix bolted the gate of the mouny and by jumping over the roof and coming down from the stairs, went to the room of co-accused Kapil along with her friend Mamta. She made a call to co-accused Karan s/o Om Parkash from the mobile of co-accused Kapil. Thereafter, co-accused Karan s/o Om Parkash reached there and gave the prosecutrix his mobile phone assuring her to call him in case of need. Thereafter, the prosecutrix and her friend Mamta reached the house of Mamta. At around 8:00 p.m., the prosecutrix made a call to co-accused Karan s/o Om Parkash, who along with co-accused Kapil came there and took the prosecutrix with them at the highway. When they came to know that police is searching the prosecutrix, they left her near the jhuggis on the highway and fled away.

4. Learned counsel for the petitioner submits that the only allegation against the petitioner is that the petitioner has touched the prosecutrix and kissed her. He submits that the main accused Karan s/o Om Parkash, against whom the allegation of rape has been levelled, has already been granted the concession of regular bail, vide order dated 11.03.2025, passed by learned Principal Magistrate, Juvenile Justice Board, Faridabad. He further submits that another co-accused namely Kapil Dev has also been granted the concession of regular bail by the Coordinate Bench of this Court, vide order dated 11.12.2024, passed in CRM-M-58312-2024. He further submits that investigation in the present case is complete; challan stands presented; charges are yet to be framed and out of total 26 prosecution witnesses, none has been



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examined. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

5. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, she could not refute the factual position that charges are yet to be framed before the Trial Court and out of total 26 prosecution witnesses, none has been examined so far. She has also filed custody certificate dated 21.08.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars since more than last one year. Custody certificate further shows that the petitioner is also involved in one another case i.e. FIR No.214 dated 12.08.2021 registered under Sections 379-A read with Section 34 of IPC at Police Station Chhansa, Faridabad. However, he is on bail in the said case.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody period of the petitioner which is 01 year and 11 days and the facts that the main accused Karan s/o Om Parkash, against whom the allegation of rape has been levelled, has already been granted the concession of regular bail, vide order dated 11.03.2025, passed by learned Principal Magistrate, Juvenile Justice Board, Faridabad; co-accused namely Kapil Dev has also been granted the concession of regular bail by the Coordinate Bench of this Court,

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vide order dated 11.12.2024; challan has been presented; charges are yet to be framed and out of total 26 prosecution witnesses, none has been examined so far and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

9. 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.

25.08.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No