



CRM-M-30550-2025

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

CRM-M-30550-2025

Date of Decision:- 17.09.2025

Sarwan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ajay Paul Singh, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Sarwan Kumar has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 0159 dated 04.08.2024 under Section 64, 65(2) of Bharatiya Nyaya Sanhita, 2023 and Section 6 of POCSO Act registered at Police Station Kotwali Patiala, District Patiala (Annexure P-1).

2. Facts of the case are, complainant 'KR' filed written complaint that she got married with 'SK' about 07 years ago. She is mother of two children, elder daughter 'P' aged about 04 years and younger son 'K' aged about 02 years. They were residing at Mathura Colony, Patiala alongwith other persons residing in the area in rented accommodation. Sarwan Kumar was also residing in the same locality. On 03.08.2024, at about 05:00 pm, his daughter was playing in the common courtyard in front of room. She



(complainant) was doing her work in room, when she heard her daughter crying. She noticed that her daughter was scared and there were blood stains on her *nikkar*. When she inquired from her daughter, she disclosed that Sarwan wrongfully touched her private parts. When she tried to inquire the matter, Sarwan Kumar ran away from there. Thereafter, she alongwith her husband and mother came to lodge the report.

3. Learned counsel for petitioner argued that petitioner was arrested in this case on 04.08.2024 and since then he is behind the bars. All allegations levelled against him are false. As per medical record (Annexure P-2), victim/prosecutrix did not suffer any injury. Version put forward by prosecutrix is falsified from medical record. Challan is already presented on 04.10.2024. Trial in this case may take some time. Petitioner is a poor person and is confined in jail. He is ready to abide by terms and conditions of bail order. Therefore, his regular bail petition may be allowed.

4. Status report has been filed opposing the regular bail petition filed by petitioner. Facts narrated in FIR are confirmed. It is pointed out that there are serious allegations against petitioner. As per Birth Certificate, date of birth of victim/prosecutrix is 07.04.2020. Copy of her MLR is Annexure R-1. After completion of investigation, challan was presented on 04.10.2024 and charges were framed on 22.10.2024 and now case is pending for prosecution evidence. Considering the gravity of offence, regular bail petition is opposed.

5. I have considered the arguments and have gone through the record carefully. There are specific serious allegations against petitioner.



Victim/prosecutrix was small girl of aged about 04 years. Medical record of victim/prosecutrix of Rajindra Hospital, Patiala is Annexure P-2, according to which she was admitted in hospital on 04.08.2024 and was discharged on 06.08.2024. Allegations are serious in nature. After presentation of challan, trial is yet to start. Statements of material prosecution witnesses are yet to be recorded. Considering the facts of case and allegations, at this stage, I do not find a fit case for grant of regular bail to petitioner and petition filed by him is, accordingly, dismissed.

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

17.09.2025

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(AMARJOT BHATTI)
JUDGE

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