

2025:PHHC:137931



CRM-M-44526-2025 (O&M)

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

CRM-M-44526-2025 (O&M)

Reserved on : 30.09.2025

Pronounced on: 01.10.2025

RAHUL

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Harsh Rana, Advocate and
Mr. Anil Kumar Rana, Advocate for the petitioner.

Mr. Kshitij Bharti, Assistant Advocate General, Haryana.

Ms. Gurpreet Kaur, Advocate
for Mr. Ankur Lal, Advocate for respondents No. 2 and 3.

SHALINI SINGH NAGPAL, J.

Petitioner seeks regular bail in case arising out of FIR No. 109 dated 16.02.2024 under Sections 363 and 366-A Indian Penal Code, Police Station Mujesar, District Faridabad. Offences under Sections 201 IPC and 6 Protection of Children from Sexual Offences Act, 2012, have been added during investigation. This is the first petition for anticipatory bail.

Complainant, mother of the prosecutrix reported to the police that on 06.02.2024, her daughter 'A' (date of birth 18.02.2008) left for Coaching Centre in the afternoon. When she did not return, they made enquiries and learnt that 'A' did not reach the Coaching Centre. She stated that her daughter

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‘A’ was enticed away by Rahul son of Kripal with the intention of marrying her. Earlier also, FIR No. 777 dated 08.12.2023, under Sections 363, 366-A was got registered against Rahul at Police Station Mujesar.

Learned counsel for the petitioner submits that there was 10 days delay in registration of FIR. Petitioner, who was in custody for the last one and half years, was in a consensual relationship with the prosecutrix, who he dated for three years. He further submits that the first FIR lodged by mother of the prosecutrix was got cancelled. The victim had been examined during trial and there was no prospect of the petitioner influencing the witnesses. It was argued that the victim deposed against the petitioner only under pressure of her parents. In support of his prayer for bail, learned counsel relied upon orders of this Court in **CRM-M-54344-2023** titled **Vansh Vs. State of Union Territory, Chandigarh** decided on **24.01.2024**, and **CRM-M-36703-2025** titled **Harwinder Singh @ Happy Vs. State of Punjab** decided on **18.07.2025**.

Learned State counsel assisted by Ms. Gurpreet Kaur, learned counsel for respondents No. 2 and 3, has opposed the prayer for regular bail in view of seriousness of allegations. Learned State counsel has placed on record custody certificate of the petitioner, according to which he is in custody for the last 01 year 06 months and 19 days.

Petitioner is alleged to have committed penetrative sexual assault on the minor victim, attracting the offence under Section 6 POCSO Act. The minor victim has been examined and has fully supported prosecution case. The

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plea of consent is immaterial given the age of the child victim. Mere period of incarceration cannot be a determining factor for the grant of bail in such offences. In view of the nature and substance of allegations against the petitioner, quantum of sentence conviction may entail and all relevant facts and circumstances of the case, no ground is made out to enlarge the petitioner on bail. Therefore, without commenting upon the merits of the case, the petition stands dismissed.

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 30.01.2025

Pronounced on: 01.10.2025

Ajay Goswami

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No