

2025:PHHC:135090



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

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CRM-M-47908-2025 (O&M)

Reserved on: 25.09.2025

Pronounced on:26.09.2025

SUJIT @ SURJIT

...Petitioner

V/S

STATE OF HARYANA AN ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Vishal Garg Narwana, Advocate
Mr. Arishdeep Mraad, Advocate
Mr. Kushwant Saharan, Advocate and
Ms. Chetno Rao, Advocate for the petitioner.

Mr. Kshitij Bharti, Assistant Advocate General, Haryana.

SHALINI SINGH NAGPAL, J.

Petitioner seeks regular bail in case arising out of FIR No. 66 dated 26.05.2023, under Sections 376(2)(n), 376-D and 34 Indian Penal Code, Police Station Women Police Station Jind, District Jind. This is the first petition for regular bail.

Complaint was lodged by mother of the prosecutrix, a mentally challenged girl, who alleged that Dinesh aged 40-45 years, Rohit aged 18-19 years and a friend of Dinesh had sexually assaulted her daughter, continuously for two months, without their knowledge and the matter came to light when she started vomiting and they took her to Vardan Hospital, Jind, where she was



revealed to be 02 months pregnant. On inquiry, she disclosed names of Dinesh, Rohit and his friend.

It has been argued that petitioner was falsely implicated in the case and had nothing to do with the offence. Referring to the contents of the first information report, it was urged that petitioner was not named in the FIR and even the prosecutrix, who was examined as a witness in the Court, did not name him in her examination-in-chief. Registration of the FIR was delayed by 02 days and there was nothing to connect the petitioner with the alleged offence. Learned counsel also referred to Annexure P-7, opinion of Medical Board constituted on 19.07.2023 to make IQ assessment of the prosecutrix. It was urged that the prosecutrix was suffering from severe intellectual disability and was not fit to make statement in Court of law. Even when she was taken to Civil Hospital, Jind, for medical examination, she was unable to give proper history. Learned counsel further urged that DNA profiling was done during investigation, but no involvement of the petitioner was revealed. Thus, it was a clear case for release of the petitioner on bail.

Reply by way of affidavit of Sonakshi Singh, IPS Additional Superintendent of Police, Jind, was filed by learned State Counsel along with custody certificate. Learned State counsel has opposed the prayer for bail in view of severity of allegations against the petitioner. He submits that challan was filed against the petitioner on 15.04.2025 and the case was fixed for 30.09.2025 for arguments on charge.



Petitioner is alleged to be one of the three persons, who committed repeated sexual assault on a mentally challenged lady. Statement of the prosecutrix has been recorded during trial of co-accused, in the Court of learned Additional Sessions Judge, Jind, on 18.04.2025, wherein she has identified the other two accused as the culprits. She has indicated that there was a third person who committed rape upon her. Name of the petitioner, though not disclosed in the first instance, has figured during investigation. Considering the nature and substance of allegations against the petitioner, the role attributed to him and all relevant facts and circumstances of the case, but without commenting on the merits, the prayer for regular bail is declined.

The petition stands dismissed.

(SHALINI SINGH NAGPAL)
JUDGE

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Ajay Goswami

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No