



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

213+124

CRM-M-2330-2025 (O&M)
Date of decision : 12.08.2025

Daksh @ Dakshu

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ajay Kumar Dahiya, Advocate with
Mr. Sandeep, Advocate for the petitioner.

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

None for respondent No.2 despite service.

NAMIT KUMAR, J. (ORAL)**CRM-31607-2025**

Prayer in the instant application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for placing on record statement of the prosecutrix recorded under Section 164 of Cr.P.C. dated 02.02.2024, deposition of the prosecutrix dated 22.07.2024 and RTI information of the visitor details in prison to the petitioner as Annexures P-12 to P-13.

Allowed as prayed for subject to all just exceptions.

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1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.29 dated 18.01.2024 registered under Section 346 of Indian Penal Code, 1860 (Section 346 of IPC was



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deleted and Section 4 of POCSO Act, 2012 and Sections 363, 366-A & 376(3) of IPC were added later on) at Police Station Civil Lines, District Sonipat.

2. Brief facts of the case are that on 18.01.2024, the father of the victim made a complaint to the police alleging therein that on 17.01.2024 at about 9:30 a.m., his daughter had gone to school and did not return home till 18.01.2024. He tried to search her at his own level but did not get any clue about her whereabouts from the school and her friends. He suspected that someone has kept her hidden with criminal intentions. On the basis of the said complaint, the instant FIR was registered. During investigation, the father of the victim got recorded his supplementary statement to the effect that on 17.01.2024, Daksh (the present petitioner) has lured her minor daughter by threatening her that he would consume poison and by giving her false promise of marriage.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the petitioner and the prosecutrix were in consensual relationship and on 18.01.2024 live-in-relationship deed (Annexure P-3) was signed by them. On the same very date, the instant FIR has been registered at the instance of the father of the prosecutrix. He further submits that in her statement recorded under Section 164 of Cr.P.C. before the Magistrate and also at the time of medical examination, the prosecutrix never stated that the petitioner had done anything wrong with her. He further submits that in the Aadhar Card (Annexure P-4), E.C.I. Card (Annexure P-5), Ration Card (Annexure P-



6) and Family I.D. (Annexure P-7), the date of birth of the prosecutrix is mentioned as 13.02.2005 and as per which she was major on the date of incident, however, later on her date of birth was introduced as 09.08.2008 by submitting School Leaving Certificate which would be a question of trial. He further submits that even in the statement recorded under Section 164 of Cr.P.C., the victim has not stated about any act of crime upon her person by the petitioner.

4. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 21.02.2024 and not involved in any other case. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 19 prosecution witnesses, 12 have been examined, 03 have been given up and 04 are left. 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. Despite knowing the fact that the prosecutrix is minor, the petitioner kept her in live-in-relationship for a considerable long period. However, she could not refute the factual position that out of total 19 prosecution witnesses, 12 have been examined, 03 have been given up and 04 are left. She has also filed custody certificate dated 11.08.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind



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the bars since more than last 01 year and 05 months and he is not involved in any other case.

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

7. Keeping in view the custody period of petitioner which is 01 year, 05 months and 21 days and the facts that challan has been presented; charges have been framed and out of total 19 prosecution witnesses, 12 have been examined, 03 have been given up and 04 are left; the petitioner is not involved in any other case; the determination of actual age of the prosecutrix shall be a question of trial 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.

12.08.2025

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No