



CRM-M-32727-2025

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

(210)

CRM-M-32727-2025.
Date of Decision:-08.10.2025.

Firoz

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Ms. Swati Batra, Senior DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail in case FIR No.304 dated 23.08.2024 under Sections 94/89 of BNS, 2023 and Section 6 of the POCSO Act, 2012, and Sections 363, 366, 376(2)(n), 376(3) of IPC were added subsequently, registered at Police Station Shivaji Nagar, Gurugram, District Gurugram.

2. Learned counsel for the petitioner submits that the victim has turned hostile and even refused to identify the petitioner and, therefore, he prays for grant of concession of regular bail to the petitioner.

3. *Per contra*, learned State counsel submits that despite best efforts, the report from the FSL has not been received and the petitioner is accused of commission of a heinous crime and the victim was only 12 and



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half years old as per the School Leaving Certificate although the victim claims herself to be of 14 years and even if she has turned hostile, the medical record would clearly demonstrate as to whether the petitioner was the one who had committed the crime or not.

4. Learned State counsel also relies upon the statement of the victim recorded under Section 183 of the BNSS, 2023 in which it was clearly stated that the petitioner handed over the medicine for abortion to the victim and after consuming said medicine, the fetus came out and the same was thrown on the roof of the bathroom. Since, the prosecutrix has changed her stance completely from the version narrated in FIR as well as in the statement recorded under Sections 180 and 183 of the BNSS, 2023, therefore, the medical report would be of extreme importance.

5. In light of the above, this Court does not find it to be a fit case for grant of concession of regular bail to the petitioner at this stage but at the same time, the Director of FSL, Madhuban, Karnal, is directed to ensure that the FSL report is duly made available to the prosecution within a period of one month from today.

5. Dismissed.

(ALOK JAIN)
JUDGE

October 08, 2025.

S. Sethi

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No