



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

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CRM-M-1156-2025 (O&M)  
Date of decision : 24.07.2025

Jai Prakash @ J.P. ....Petitioner

versus

State of Haryana and another .....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

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

Mr. Vikas Saroha, Advocate for the complainant.

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**NAMIT KUMAR, J. (ORAL)**

**CRM-24860-2025**

Prayer in the instant application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for impleading the complainant as respondent No.2.

In view of the averments made in the application, the same is allowed and the complainant is impleaded as respondent No.2 in the petition.

Amended memo of parties is taken on record. Registry shall tag the same at appropriate place.

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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 to the petitioner in case bearing FIR No.68 dated 18.06.2023 registered under Sections 366 & 506 of Indian Penal Code,



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1860 and Section 4 of Protection of Children from Sexual Offence Act, 2012 at Women Police Station, Ballabgarh, Faridabad.

2. Status report by way of an affidavit of Sh. Ashok Kumar, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad, on behalf of the respondent-State, filed in the Registry is taken on record.

3. Brief facts of the case are that on 18.06.2023, father of the prosecutrix made a complaint to the police alleging therein that on 09.06.2023 during holidays, his daughter, who is studying in 10<sup>th</sup> class, had gone to the house of her Bua in Village Sindola. On 18.06.2023, he had received a phone call of his nephew that rape has been committed upon his daughter and come fast. When he reached there at around 2:00 p.m., his daughter disclosed him that around 12:30 p.m. she had gone to the roof for taking off the clothes. Since some of the clothes fallen down on the street, therefore, she went to street for picking up the same. In the meantime, Jai Parkash (the present petitioner) dragged her into the room situated on the street and after gagging her mouth committed penetrative sexual assault upon her and threatened to kill her in case she disclosed the incident to anyone. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner, inter alia, submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that no such incident, as alleged in the FIR, has occurred. He further submits that the prosecutrix, father of the prosecutrix (the complainant), mother of the prosecutrix and sister-in-law (Bhabhi) of the prosecutrix, who have been examined before the



Trial Court as PW-1 to PW-4, respectively, have not supported the case of the prosecution and turned hostile. He further submits that the petitioner is behind the bars since 19.06.2023. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 28 prosecution witnesses, only 07 have been examined so far. 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. However, she could not refute the factual position that out of total 28 prosecution witnesses, only 07 have been examined so far. She has also produced custody certificate dated 23.07.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than two years.

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

7. Keeping in view the custody period of the petitioner, which is 02 years, 01 month and 05 days and the facts that the prosecutrix, father of the prosecutrix (the complainant), mother of the prosecutrix and sister-in-law (Bhabhi) of the prosecutrix, in their statements recorded before the Trial Court, have not supported the case of the prosecution; investigation has been completed; challan has been



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presented; charges have been framed and out of total 28 prosecution witnesses, only 07 have been examined so far 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.

**24.07.2025**

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**(NAMIT KUMAR)  
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No