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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18803-2025 (O&M)
Date of Decision:- 02.07.2025

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Shivani Jaglan, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 483 of BNSS, 2023 seeking concession of interim bail for a period of one month from the date of release of applicant/petitioner in case FIR No. 041 dated 06.08.2024 under Section 376(2)(n), 506 of IPC and Section 6 of POCSO Act (Section 354(c) and 120B IPC were deleted) registered at Women Police Station, Kaithal (P-1) on account of medical exigency to take care of his wife and his new born child, as there is no male member in family to take care of his wife (P-2).

2. Learned counsel for petitioner argued that petitioner Rajesh has been falsely implicated in FIR No. 41 dated 06.08.2024 (Annexure P-1) (supra). There is delay of more than 08 months in lodging the FIR. Version put forward by prosecution is highly improbable. Petitioner was arrested on 07.08.2024. Wife of present petitioner has delivered a child recently.



Medical record of his wife is Annexure P-2. There is no male member in family to take care of his wife and newly born child. At this stage, she needs physical and emotional support. He is to make arrangement for finance to take care of his wife and newly born child. Hence, the present application.

3. Notice of application was given to State. Detailed status report has been filed. It is confirmed that Lady ASI Renu conducted inquiry and recorded statements of Balraj Singh, MC, Arjun Nagar and Neelam. It is revealed that Neelam is mother of three daughters and youngest child is one month old. She is residing separately alongwith her daughters at Arjun Nagar, Kaithal. Whereas, her in-laws and brother-in-law are residing separately at Janak Puri Colony, Kaithal. Statements of Balraj Singh and Neelam are Annexures R-1 and R-2 respectively. However, it is pointed out that allegations against petitioner are serious and specific in nature. There were allegations against the wife of present petitioner. After completion of investigation, challan in this case is already presented and trial in this case is under progress.

4. I have considered the aforesaid factual position. Present petitioner is seeking interim bail for one month to look after his wife and newly born child, who is about one month old. Status report indicates that petitioner was already having two daughters and the newly born child is the third daughter in family. No doubt she is residing separately from her in-laws but at the time of need brother of petitioner and in-laws can always take care of his wife and children who are residing in same city i.e. Kaithal. Apart from this, allegations against present petitioner cannot be ignored.

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There are serious allegations against petitioner regarding which trial is already going on. Fact remains that victim is also residing in same city. Earlier, regular bail petition filed by present petitioner was withdrawn on 13.02.2025. Considering the aforesaid factual position, I do not find a fit case for interim bail and present petition filed by petitioner Rajesh is, accordingly, dismissed.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

02.07.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No