



CRM-M-64540-2024

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

(207)

CRM-M-64540-2024

Date of Decision:- 15.09.2025

Soma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Aditya Anand, Advocate for the petitioner.

Mr. Japjot Singh AAG, Punjab.

Mr. Fateh Sahota, Advocate for respondent No.2

ALOK JAIN, J. (Oral)

1. The present petition has been filed seeking grant of regular bail to the petitioner in FIR No. 133 dated 07.11.2023 under Sections 376 (3) of IPC and Section 6 of POCSO Act, 2012, registered at Police Station Satnampura, District Kapurthala.

2. Learned counsel for the petitioner relies upon the testimony of the prosecutrix, in which she herself has taken a complete somersault from the allegations levelled by her in the FIR. Initially the prosecutrix made serious allegations against her own father, however, she has later turned around and levelled allegations against her neighbour, where admittedly, the mother of the prosecutrix was employed as a domestic helper. Learned



CRM-M-64540-2024

counsel submits that, interestingly, the prosecutrix visited the police station accompanied with the wife of the said neighbor to file the present FIR, and has now made allegations against the husband of the very person with whom she approached at the police station.

3. Learned counsel for the petitioner further submits that the DNA report from the Forensic Science Laboratory clearly records that no human semen or male DNA was detected in Exhibits A-1 to A-10, which were stated to pertain to the victim.

4. Learned State counsel has filed the custody certificate, which is taken on record, according to which the petitioner is in custody for 02 years 10 months and 06 days.

5. After hearing learned counsel for the parties and considering the fact that the petitioner is in custody since 08.11.2023 and the trial is likely to take long time, hence, no useful purpose would be served by keeping the petitioner in custody.

6. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail, if not required in any other case, subject to furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He/she shall, however, be released on the following conditions:

- i. The petitioner shall declare his/her ordinary place of residence and the mobile number used by him/her.
- ii. The petitioner will not switch off his/her mobile and in case of any technical glitch, he/she has to give an alternate number, which will be available in his absence.



CRM-M-64540-2024

- iii. The petitioner will mark his/her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his/her presence, he/she is permitted to make an application before the Illaqa Magistrate, concerned.
 - iv. The petitioner will not leave the country without the prior permission of the Court, for which he/she will submit the copy of his/her passport also. However, in case, the petitioner does not possess a passport, then he/she shall file an undertaking to the said effect from being released.
7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.
9. It is made clear that, in case, the petitioner is found involved in any such activity once again, the present concession granted shall automatically stand vacated.

September 15, 2025

manju

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No

**(ALOK JAIN)
JUDGE**