



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

**CRA-S-2426-2024 (O&M)
Date of Decision:05.05.2025**

Mohit

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Babbar Bhan, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Vineet K. Jakhar, Advocate for respondent No.2.

JASGURPREET SINGH PURI J.(Oral)

1. Present appeal has been filed under Section 14-A(2) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989(Amended 2015 & 2018) challenging the order passed by learned Additional Sessions Judge-cum-Vacation Judge, Fast Track Special Court (under POCSO Act), Narnaul, whereby the regular bail application of the present appellant was dismissed in case bearing FIR No.30 dated 05.02.2024 under Sections 306, 376-D, 452 of IPC and Section 6 of POCSO Act (Section 201, 120-B of IPC and Section 3(1)(p), 3(1)(w), 3(2) (v) of SC/ST Act added later on) registered at Police Station City Mahendergarh, District Mahendergarh.

2. Learned counsel appearing on behalf of the appellant submitted that the appellant has been in custody for about 01 year and 02 months. He submitted that out of the 27 prosecution witnesses cited, only



03 have been examined and so far as the alleged role of the appellant in the present case is concerned, he was merely standing outside the house while the co-accused namely Rohit, entered the house where the alleged offence was committed upon the victim, who is a minor. He further submitted that even as per the status report filed by the respondent-State, it has been established during the investigation that the present appellant remained outside the house of the victim and therefore, he may be considered for the grant of regular bail.

3. On the other hand, learned State counsel, while referring to the status report filed by the respondent-State, submitted that this is a case where the victim was 15 years old and as per the allegations, a neighbour informed the complainant that two boys had entered his house and one of them was consuming beer, while the other was in another room. He further submitted that during investigation it was found that the motorcycle which was recovered belongs to the present appellant, although the allegations of penetrative sexual assault are pertaining to the other co-accused but while referring to the status report, he further submitted that all the incriminating material was found from the room where the offence was committed by the other co-accused. He further submitted that at the time of alleged incident, the age of the victim was 15 years and after the aforesaid alleged incident she hanged herself and committed suicide. He further asserted that so far as the role of the present appellant is concerned, he actively participated in the offence. He came along with the other co-accused and was standing outside the house for guarding the house. Therefore, no leniency can be shown to the present appellant, considering the gravity and seriousness of



the offence. He further submitted that the material witnesses, including the eye-witness who had informed the complainant, are yet to be examined and there is a reasonable apprehension that if the appellant is released on bail, he may not only abscond or flee from justice, but may also influence the material witnesses. Therefore, in view of the aforesaid facts and circumstances, the appellant does not deserve the concession of regular bail.

4. Learned counsel appearing on behalf of respondent No. 2 submitted that, considering the seriousness of the offense in which the appellant actively participated, ultimately leading to the death of the victim, he does not deserve the concession of regular bail.

5. I have heard the learned counsels for the parties.

6. The learned Additional Sessions Judge-cum-Vacation Judge, Fast Track Special Court (under the POCSO Act), Narnaul, has dismissed the bail application of the present appellant and in this regard, the appellant has filed the present appeal. Although the custody of the petitioner is stated to be one year and two months but the learned State counsel submitted that the material witnesses, including the eye-witness, are yet to be examined. The allegations against the appellant are that he alongwith the other co-accused Rohit had gone to the house of the victim who was a minor of the age of 15 years at the time of incident and qua the aforesaid co-accused he had committed penetrative sexual assault upon the aforesaid victim and thereafter the victim died due to suicide. Although the role of the present appellant was not that he had committed the offence of rape but as per the respondent-State, his role was that he was guarding the house. However,



as per the learned State counsel, the eye-witness had also informed the complainant that two boys had gone inside the house and it was subsequently established during the investigation that the appellant was guarding the house. The apprehension expressed by the learned State counsel that since the material witnesses, including the eye-witness, are yet to be examined and in case the appellant is released on bail, he may influence the material witnesses, including the eye-witness, carries weight and cannot be ignored. After hearing the learned counsels for the parties, this Court is of the view that considering the seriousness and gravity of the offence and the stage of the trial, the present appellant does not deserve the grant of regular bail

7. Consequently, finding no merit in the present appeal, the same is hereby dismissed.

8. 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.

(JASGURPREET SINGH PURI)
JUDGE

05.05.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No