

**CRA-S-847-2025 (O&M)**

-1-

226

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-847-2025 (O&M)**

Date of Decision:- 21.05.2025

Kaptan

...Appellant

Vs.

State of Haryana and another

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Mayur Karkra, Advocate with
Ms. Pooja Jaglan, Advocate
for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Appellant –Kaptan has filed appeal for setting aside impugned order dated 07.02.2025 passed by learned Additional Sessions Judge, Rohtak (Special Court to try the offences under POCSO Act), vide which regular bail application filed by appellant under Section 439 Cr.P.C. in case FIR No. 334 dated 25.09.2024, under Section 376(3), 376(2)(n), 506 of IPC, under Section 6 of POCSO Act and under Section 3(2)(v) of SC/ST Act (Section 376DA, 34 of IPC and 17 of POCSO Act deleted) registered at Police Station Sampla, District Rohtak has been dismissed.

2. Facts of the case are complainant gave her statement that her daughter i.e. victim was studying in Government Girls School, Rohtak. Kaptan and his companion Raju residents of their village used to harass her daughter for last about one and a half years. They intended to upload her photographs on social media. About six months ago, both accused enticed



CRA-S-847-2025 (O&M)

-2-

away her daughter and took her in fields, where Kaptan had committed rape with his daughter, whereas, his companion Raju was keeping a guard. He also tried to do wrongful act with her daughter. They clicked obscene photographs of her daughter and threatened to upload the same on net. Kaptan committed wrongful act with her daughter even by trespassing into their house and started exploiting her and blackmailed her. Finally, she disclosed this fact to the mother of Kaptan, who started abusing her. Victim narrated all the facts to her mother i.e. complainant and matter was reported to police.

3. Learned counsel for appellant argued that facts of the case were not rightly considered by learned Additional Sessions Judge, Rohtak and wrongly dismissed his regular bail application vide impugned order dated 07.02.2025. There is delay in lodging the report to police. During investigation, co-accused Raju was exonerated and challan was presented only against appellant, who is facing trial in this case. During trial, statement of complainant as PW-3 and statement of alleged victim as PW-4 are recorded where they did not support prosecution case. Copies of their statements are Annexures A-4 and A-5. Even FSL report is in favour of appellant. Appellant is in custody since 25.09.2024. Trial in this case may take long time. He will abide by the terms and conditions of bail order. Therefore, impugned order dated 07.02.2025 passed by learned Additional Sessions Judge, Rohtak may kindly be set aside by accepting present appeal and he may be released on regular bail.

4. Detailed status report has been filed, narrating the facts detailed in FIR. It is pointed out that during investigation, statement of victim was



CRA-S-847-2025 (O&M)

-3-

recorded under Section 183 Bharatiya Nagarik Suraksha Sanhita, 2023 (Annexure R-2). She was also medically examined. Copy of her MLR is Annexure R-1. There are serious allegations against appellant. Victim is minor. Trial in this case is going on. Out of 23 prosecution witnesses, 11 witnesses have been examined. Considering the gravity of offence, appellant is not entitled to the concession of regular bail and his regular bail was rightly declined by learned Additional Sessions Judge, Rohtak vide order dated 07.02.2025.

5. I have considered the arguments and have gone through the record carefully. At present, trial in aforesaid FIR is going on. It cannot be ignored that statements of material witnesses have been examined i.e. complainant who is mother of victim as PW-3 and victim herself as PW-4. Both material witnesses did not support prosecution case. Copies of their testimonies are annexed as Annexures A-4 and A-5. Other prosecution witnesses are yet to be examined. Trial Court will consider the testimonies of these witnesses at appropriate stage. Appellant is behind the bars since 25.09.2024. Considering the aforesaid factual position, impugned order dated 07.02.2025 passed by learned Additional Sessions Judge, Rohtak, in my opinion is not justified. He is ready to abide by terms and conditions of bail order. Therefore, without going on the merits of case, impugned order dated 07.02.2025 passed by learned Additional Sessions Judge, Rohtak is set aside and present appeal filed by appellant Kaptan is, accordingly, allowed. Appellant is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.



CRA-S-847-2025 (O&M)

-4-

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

21.05.2025

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No