



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

218

CRM-M-28717-2025

Date of decision : 08.08.2025

Akash

.....Petitioner

versus

State of Haryana

.....Respondent

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

Present: Mr. Sajal Bansal, Advocate for the petitioner.

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

\*\*\*\*\*

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

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile 439 of Code of Criminal Procedure, 1973) for grant of regular bail in case bearing FIR No.456 dated 13.10.2024 registered under Section 6 of Protection of Children from Sexual Offence Act, 2012 (Sections 363, 376(2)(n) & 376(3) of Indian Penal Code, 1860 were added later on) at Police Station Chandimandir, District Panchkula.

2. Status report by way of an affidavit of Sh. Vikram Nehra, HPS, Assistant Commissioner of Police, Panchkula, on behalf of the respondent-State, has been filed in the Court today which is taken on record. As per para 16 of the status report, the complainant has been duly informed about the pendency of the present petition. However, there is no representation on behalf of her.

3. Brief facts of the case are that on 12.10.2024, mother of the prosecutrix made a statement before the police stating therein that in

**CRM-M-28717-2025****2**

February 2023, her daughter, who is 14 years old ran away from the house with a boy named Akash (the present petitioner). She was told by her daughter that Akash indulged with her in a physical relationship against her consent and later took her to Narela, Delhi, by alluring her, and there they lived in a rented room for about 5-6 months. Later on, they returned to Nada Sahib. Her daughter, along with her husband, Akash, started living at Nada Sahib. During this period, her daughter, got pregnant. Now, her daughter is having 9 months pregnancy and Akash started quarrels with her daughter. He is not ready to keep her with him. She wants legal action against Akash for kidnapping her daughter from her house and engaging her in a physical relationship. On the basis of the said statement, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The relationship between the petitioner and the prosecutrix was consensual in nature. Out of said relationship a child was also born on 14.10.2024. He submits that the prosecutrix refused to undergo any medical examination. He further submits that the prosecutrix, who has been examined as PW-1 before the Trial Court, has not supported the case of the prosecution. In her statement recorded before the Trial Court, she has submitted that since the petitioner refused to adopt her son, therefore, the present FIR was lodged against him. He further submits that the date of birth of the prosecutrix is in dispute as in her statement recorded before the Trial Court, she has stated that she does not know her date of birth as she is not having any Birth Certificate. He

**CRM-M-28717-2025****3**

further submits that the mother of the prosecutrix, who has been examined as PW-2 before the Trial Court, has also not supported the case of the prosecution. She has also given the statement on the same lines that she does not know the actual date of birth of her daughter and she never stated before the police that the petitioner developed physical relations with her daughter without her consent.

5. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 24.11.2024 and not involved in any other case. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 15 prosecution witnesses, only 05 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.

6. 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 15 prosecution witnesses, only 05 have been examined so far. She has also filed custody certificate dated 07.08.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars since more than last eight months and he is not involved in any other case.

**CRM-M-28717-2025****4**

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

8. Keeping in view the custody period of petitioner which is 08 months and 14 days and the facts that the prosecutrix and her mother have not supported the case of the prosecution in their statements recorded before the Trial Court; investigation has been completed; challan has been presented; charges have been framed and out of total 15 prosecution witnesses, only 05 have been examined so far; the petitioner is not involved in any other case 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.

9. The petition stands disposed of accordingly.

10. 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.

**08.08.2025***kothiyal***(NAMIT KUMAR)  
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No