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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2654-2025

Date of Decision:- 01.08.2025

Rupesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Rupesh Kumar has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 364 dated 16.06.2024 under Section 376 and 506 of Bharatiya Nyaya Sanhita, 2023 and Section 4 and 6 of POCSO Act (added lateron) registered at Police Station Samalkha, District Panipat.

2. Facts of the case are, complainant 'SK' gave her statement that her grand-daughter i.e. victim 'S' age about 17 years was residing with her. She was looked after by her. On 18.05.2024, complainant had gone to her sister's house who lived in Delhi. On 16.06.2024, victim told her that Rupesh living in a rented accommodation had committed wrongful act with her on 18.05.2024. Said boy had threatened to kill her. On this complaint, present FIR has been registered.

As per status report, during the course of investigation, statement of victim was recorded under Section 164 Cr.P.C., where she



confirmed allegations. She was medically examined at Government Hospital, Panipat and pregnancy test was conducted which was found to be positive. As per USG test, fetus was 7(+1) weeks old. Fetus was aborted on 23.06.2024. Petitioner was joined in investigation on 17.06.2024. On completion of entire investigation, challan was presented in Court.

3. Learned counsel representing petitioner argued that facts narrated by prosecution are improbable. As per case of prosecution, victim was raped only once on 18.05.2024. FIR was lodged after a long delay of more than 29 days. Story projected by complainant is tainted one. Without properly appreciating facts of the case, bail application was wrongly rejected by learned Additional Sessions Judge/Fast Track Court (POCSO), Panipat vide order dated 10.12.2024 (Annexure P-2). He was arrested in this case on 17.06.2024 and since then he is behind the bars. He is ready to abide by terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed as referred above. On completion of investigation, challan was presented on 01.08.2024 and charges are framed on 09.09.2024. Out of 24 prosecution witnesses, 7 witnesses have been examined. It is pointed out that victim and her grand-mother/complainant have supported prosecution case and their statements recorded before the trial Court are Annexure R-6. Considering the gravity of offence, petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record. As referred above, allegations are specific and serious in nature. In the case in hand, victim is a minor girl who was sexually exploited by



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petitioner. As per status report, petitioner got pregnant and finally fetus was aborted as per law on 23.06.2024. Trial in this case is going at a good pace. Material witnesses have been examined. Statements of victim as PW-1 and grand-mother of victim i.e. complainant as PW-2 are Annexure R-6. Therefore, considering the specific allegations and gravity of offence, I do not find a fit case for grant of regular bail to petitioner Rupesh Kumar and same is, accordingly, dismissed.

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

01.08.2025

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No