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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12520-2025

Date of Decision:- 23.05.2025

AJAY

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aditya Sanghi, Advocate for Mr. Lokesh Sharma,
Advocate for the petitioner.
Ms. Aditi Girdhar, AAG, Haryana.
Mr. Munish Mittal, Advocate and Mr. Ankit Kamboj,
Advocate for complainant.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.306 dated 12.11.2023 under Sections 365 IPC (Sections 363/376 (3)/120-B of IPC and Section 4/17 of POCSO Act added later-on) registered at Police Station Civil Lines, Rohtak.

2. Facts of the case are, complainant 'ND' gave her statement to the police that her grand daughter i.e. victim 'D' who lived with her went to the market on 11.11.2023 at about 12.30 pm (noon) to buy some articles but thereafter did not return home. She suspected that someone might have abducted her. She prayed to locate the whereabouts of victim.

3. Investigation was carried out and efforts were made to locate the whereabouts of victim. Victim was recovered and her statement was recorded under Section 164 Cr.P.C. before learned Judicial Magistrate 1st



Class, Rohtak on 14.11.2023 where she levelled specific allegations against present petitioner namely Ajay and further explained that she was enticed away by him with the help of his companions who were juvenile. Thereafter, offence under Section 363, 376 (3), 120-B of IPC and Section 4/17 POCSO Act were added.

4. Learned counsel for petitioner argued that Ajay is behind the bars since 01.03.2024. Statement of alleged victim has been recorded as PW4 which is Annexure P-4. There are discrepancies in her statement creating doubt in the truthfulness of her version. Secondly, it is pointed out that said victim had refused for her medical examination. Application is Annexure P-5. Therefore, in the case in hand, no offence under Section 4 of POCSO Act is made out. With the aforesaid arguments, it is submitted that petitioner may be granted regular bail.

5. Bail application is opposed by learned counsel representing State of Haryana assisted by counsel for complainant. Detailed status report has been filed. Statement of the victim recorded under Section 164 Cr.P.C. by learned Judicial Magistrate 1st Class, Rohtak is Annexure R-1. Copy of her birth certificate is Annexure R-2 according to which, her date of birth is mentioned as 26.09.2009. Therefore, she was 14 years old, thus a minor. After the completion of investigation, challan was presented on 08.04.2024 and the charges were framed on 07.05.2024. Till date, out of 16 prosecution witnesses, 2 witnesses have been examined. Custody certificate of the petitioner is also annexed as Annexure R-3. It is pointed out that there are specific allegations against the petitioner, therefore, he does not deserve to



be released on regular bail.

6. I have considered the arguments and have gone through the record carefully. Alleged occurrence took place on 11.11.2023 when the victim who is 14 years old left the house in noon time and did not return home. FIR was lodged on the statement of her grandmother. Statement of victim under Section 164 Cr.P.C. was recorded before the Magistrate on 14.11.2023 (Annexure R-1) in the said statement, present petitioner is specifically named. At present, testimony of prosecutrix has been recorded as PW-4 (Annexure P-4) where she has again supported the prosecution case. It is matter of record that the victim had refused for her medical examination. Testimony of prosecution witnesses will be considered by the trial Court at appropriate stage. Even otherwise medical record is corroborative piece of evidence. Considering the allegations and gravity of offence, I do not find it appropriate to release the petitioner on regular bail and his bail application is accordingly, declined, at this stage.

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

(AMARJOT BHATTI)
JUDGE

23.05.2025

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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No