



**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

**Cr.MP(M) No.262 of 2026
Reserved On:- 06.04.2026
Date of Decision:-10.04.2026**

Hem Raj ...Applicant

Versus

State of H.P.Respondent

Coram:

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the applicant : Mr. Subhash Chander,
Advocate.

For the respondents : Mr. Mohinder Zharaick,
Additional Advocate General,
with Ms. Ayushi Negi and Mr.
Rohit Sharma, Deputy
Advocates General for
respondent No.1/State.

Respondent No.2, in person
with Mr. Bodh Raj, Advocate.

Virender Singh, Judge

By way of the present application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), applicant-Hem Raj has sought his release, on bail, during the pendency of the trial, arising out of **FIR No.08 of 2025, dated 25.04.2025**, registered under **Section 64(1) of Bharatiya Nyaya Sanhita** (hereinafter referred to as

¹ Whether reporters of Local Papers may be allowed to see the judgment?



BNS), and **Section 6 of the Protection of Children from Sexual Offences Act**, (hereinafter referred to as the 'POCSO Act'), with **Women Police Station, Kullu, District Kullu, H.P.**

2. According to the applicant, he is innocent person and has falsely been implicated in this case. He has termed the case of the prosecution, as highly improbable.

3. It is the further case of the applicant that he and the child victim (respondent No.2), were living, as husband and wife and their relationship was accepted by their families. Their relationship was also consensual, affectionate, stable and not a result of coercion or threat. They according to the applicant, are residing together, as per their local custom.

4. It is the case of the applicant that on 01.08.2025, respondent No.2, delivered a child at Government Hospital, Kullu and in the maternity case sheet, name of the applicant has been recorded, as father of the child. All these facts have been pleaded to



demonstrate that the relationship was consensual and duly accepted by the society.

5. It is the further case of the applicant that he is a young man of 19 years and he is having the responsibility to look after the child victim and their newly born baby.

6. According to the further case of the applicant, investigation of the present case is complete.

7. The applicant had earlier tried his luck by moving similar application, before the Court of learned Special Judge, Kullu, District Kullu, Himachal Pradesh. However, the same was dismissed as withdrawn, vide order dated 13.05.2025. Thereafter, the applicant has approached this Court by moving Cr.MP(M) No.2869 of 2025, which was also dismissed as withdrawn on 09.12.2025.

8. Subsequently, the applicant has again approached the Court of learned Special Judge, Kullu, however, his application was dismissed on 15.12.2025.

9. It is the further case of the applicant that except the present case, no other case has been registered



against him. All these facts have been pleaded to demonstrate that his custodial interrogation is no longer required.

10. On the basis of the above facts, Mr. Subhash Chander, Advocate, appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

11. In this case, the child victim has also been impleaded, as respondent No.2, who put appearance on 06.04.2026 and stated that she does not want to file reply/objection in the present case.

12. On the basis of the above facts, a prayer has been made to allow the bail application.

12.1. When, put to notice, the police has filed the status report, disclosing therein, that on 25.04.2025, the child victim along with her parents, appeared before the police of Women Police Station, Kullu and deposed that she is student of 10+1 class and developed a friendship with applicant-Hem Raj through Instagram (Social Media App). Thereafter, they had started meeting each other at



Bus-Stand Bazaar. On 19.07.2024, the child victim had gone to the house of applicant, where, at the insistence of parents of the applicant, as well as, her parents, he came back to her home and thereafter, she had started meeting with Hem Raj, on various occasions.

12.2. According to her, Hem Raj, enticed her and took her to his home and raped her. He developed physical relation/raped her about four-five times. Apart from this, accused Hem Raj (applicant) used to tell her not to disclose this fact to anyone, as the same i.e. physical relations, are usual in friendship.

12.3. According to the child victims, he met Hem Raj in the month of October, 2024. On that day, she had gone to his house, where, Hem Raj took her to his room and ravished her and at that time no one was there. Later on, she become pregnant.

12.4. Lastly, she has got recorded that due to the act of the applicant, she was in trauma and due to social humiliation, matter was not reported to the police. On 23.04.2025, the members of the child line came to their house, where, they had directed the parents of the child



victim to take her to their office at Kullu. On 25.04.2025, after attending their office, matter was reported to the police.

12.5 On the basis of the above facts, the FIR in question was registered.

12.6. The child victim was medico legally examined, by the doctor at Regional Hospital, Kullu. Blood samples on FTA card, were obtained. As per ultrasound report, the age of the fetus was found between 25 to 29 weeks. Accused was arrested on 27.04.2025. He was also medico legally examined. His blood samples were also preserved on FTA card for DNA profiling.

12.7. During the pendency of the investigation, record pertaining to the date of birth of the child victim was obtained. As per those documents, the date of birth of the child victim was found as 19.10.2007. After the investigation of the case, the charge sheet has been filed against the applicant.

12.8. It is the further case of the police that the child victim had delivered a baby boy on 01.08.2025. Thereafter, the DNA profiling was done and according to



the DNA report, the applicant was found to be the biological father of the baby boy of the child victim.

12.9. Lastly, it has been pleaded that three PWs have been examined on 12.01.2026. The prayer for bail has been opposed on the ground that the applicant has committed a heinous offence and in case, he is released on bail, he may coerce the witnesses.

13. On the basis of the above facts, a prayer has been made to dismiss the application.

14. The applicant in the present case has annexed the statements of the child victim, as well as, her mother. Both, the child victim, as well as, her mother have not supported the case of the prosecution. Although, it is the sole prerogative of the learned trial Court to consider the evidence of the hostile witness, which does not efface from the record, but, at the time of deciding the bail application, said fact is also liable to be taken into consideration along with the stand of the applicant. The child victim, as well as, her mother have already been examined and chances of conclusion of the trial, against the applicant, in near future are not so bright, as such, no



useful purpose would be served by keeping the applicant in the judicial custody that too for the indefinite period.

15. The applicant has taken a stand in the present case that the child victim had resided with him with the consent of the parents and the relationship has duly been acknowledged by the society. In order to demonstrate the said fact, the applicant has relied upon the maternity case sheet of the child victim, in which, the child victim has been recorded, as wife of the applicant-Hem Raj. Even, in the bed head ticket issued by the Regional Hospital, Kullu, the name of applicant has been recorded, as husband of child victim.

16. The applicant is permanent resident of District Kullu, H.P., as such, it cannot be apprehended that in case, he is released on bail, he may not be available for the trial. The applicant is a young man of 19 years and keeping him in the judicial custody for indefinite period that too, in the company of the hardened criminals would adversely affect his future.

17. The bail application cannot be rejected, merely as a matter of punishment, as, pre-trial punishment is



prohibited under the law and the punishment can only be inflicted, after the conclusion of trial.

18. Considering the said fact, this Court is of the view that the applicant is able to make out a case for releasing him on bail, as keeping the applicant would be nothing, but penalising the child victim, as well as, their minor son without any fault on their part.

19. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.

20. Consequently, the applicant is ordered to be released on bail, in case **FIR No.08 of 2025, dated 25.04.2025**, registered **under Section 64(1) of BNS**, and Section 6 of POCSO Act, 2012, with **Women Police Station, Kullu, District Kullu, H.P.**, on his furnishing personal bond in the sum of Rs. 50,000/-, with two sureties in the like amount, to the satisfaction of learned learned trial Court.

21. This order, however, shall be subject to the following conditions:-

a) The applicant shall regularly attend the trial Court on each and every date of hearing and if prevented



by any reason to do so, seek exemption from appearance by filing the appropriate application;

b) The applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) The applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer; and

d) The applicant shall not leave the territory of India without the prior permission of the Court.

22. Any of the observations, made hereinabove, shall not be taken, as an expression of opinion, on the merits of the case, as these observations are confined, only to the disposal of the present bail application.

23. It is made clear that respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions is found violated by the applicant.

24. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, Open Air Jail, Bilaspur, District Bilaspur, H.P., through e-mail, with a direction to enter the date of grant of bail in the e-prison software.



25. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Open Air Jail, Bilaspur, District Bilaspur, H.P., is directed to inform this fact to the Secretary, DLSA, Bilaspur, District Bilaspur, H.P. The Superintendent of Jail, Open Air Jail, Bilaspur, District Bilaspur, H.P., Himachal Pradesh, is further directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court, within a period of one month from today, then, the said fact be submitted to this Court.

(Virender Singh)
Judge

April 10, 2026
(subhash)