

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****Cr. MP(M) No. 2650 of 2025****Reserved on : 25.11.2025****Decided on : 28.11.2025**

Chetan Kumar

...Applicant

Versus

State of Himachal Pradesh & Anr.

...Respondents

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?*

For the applicant : Mr. Sanjay Jaswal, Advocate.

For the respondents : Mr. Varun Chandel, Mr. H.S. Rawat and Mr. Mohinder Zharaick, Additional A.G., with Mr. Rohit Sharma and Ms. Ranjna Patial, Deputy A.Gs., assisted by ASI Indu Bala, Women Police Station Dharamshala, for respondent No. 1-State.

None for respondent No. 2.

Virender Singh, Judge

Applicant-Chetan Kumar has filed the present application under Section 483 of the Bharatiya Nagarik



Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for releasing him, on bail, during the pendency of the trial, arising out of **FIR No. 06/2025, dated 07.04.2025**, registered **under Sections 64, 351(2) of Bharatiya Nyaya Sanhita, 2023** (hereinafter referred to as the BNS), and **Section 6 of Protection of Children from Sexual Offences Act** (hereinafter referred to as the POCSO Act), with **Women Police Station Dharamshala, District Kangra, H.P.**

2. According to the applicant, he is innocent person and has falsely been implicated, in the present case, whereas according to the applicant he has no concern with the crime in question. Investigation of the present case is stated to be complete and the child victim as well as her father have already been examined.

3. The applicant has earlier tried his luck by moving the application before the learned Additional Sessions Judge, Fast Track Court (POCSO) Kangra at Dharamshala, however, his application was dismissed on 06.09.2025.



4. Apart from this, the applicant has given certain undertakings, for which, he is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

5. On the basis of above facts, Mr. Sanjay Jaswal,, Advocate, appearing for the applicant, has prayed that the bail application may be allowed.

6. When, put to notice, respondent No. 1 has filed status report, whereas, respondent No. 2 has not bothered to put appearance before this Court.

7. In the status report, filed by respondent No. 1- State, it has been mentioned that on 07.04.2025, the child victim along with her mother, appeared before the police and moved a complaint, disclosing therein that she has been ravished by Chetan. According to her, she is resident of the address as mentioned in the complaint and her date of birth is 30.08.2008. She, at the relevant time, was studying in 10+2 in X School, where, she came in contact with applicant Chetan, outside the school, as he used to come there.

7.1 As per the status report, although, the child



victim requested him not to come there, but he used to threaten her. In the month of December, 2024, after the school hours, applicant met the child victim outside the school. She was all alone. He chased her and took her to rivulet, by threatening her, where he has made physical relations with her forcibly. When, her menstruation period stopped, then, she has disclosed this fact to her mother, who took her to hospital, where her pregnancy test was conducted. The same was found positive.

7.2 According to the further allegations, of the complainant, Chetan has raped her in the month of December, 2024, due to which she was forced to carry fetus and as such, she has prayed that action be taken against him. On the basis of above fact, police registered the case and criminal machinery swung into motion.

7.3 Thereafter, the I.O. took the child victim to Doctor, for her medico legal examination. On the refusal of the child victim, Doctor has mentioned that the child victim has refused to undergo medico legal examination, voluntarily. Thereafter, on 07.04.2025, statement of the



child victim was recorded under Section 180 of BNSS. She was produced before the Court on 08.04.2025, where her statement under Section 183(3)(1) of BNSS was recorded.

7.4 Thereafter, the accused was arrested on 08.04.2025. On 09.04.2025, he was produced before the Court, from where he was remanded to police custody for two days. On 10.04.2025, the fetus was aborted, at Rajender Prasad Government Medical College, Tanda. The physical evidence was collected by the Doctor and the same was handed over to the police.

7.5 Documents, regarding her date of birth, were collected by the police and her attendance certificate was also obtained from the school. The DNA report has been received, according to which the applicant is biological father of fetus. After completion of the investigation, police has filed the charge-sheet, upon which, the cognizance has been taken by the Court of learned Additional Sessions Judge, Fast Track (POCSO) Court Kangra, at Dharamshala. Total 28 witnesses are stated to be there, out of which 17 have been examined.



7.6 Lastly, it has been apprehended that in case the applicant is released on bail, he may coerce the witnesses.

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

8. In the status report, age of the applicant has been mentioned as 23 years. Admittedly, the material witnesses have already been examined, in the present case.

9. Although, the applicant has placed on record the certified copies of the statement of child victim, as well as, her father, but the evidence, so recorded, by the trial Court, would be considered by it, at the time of deciding the case and said prerogative of trial Court cannot be snatched away by this Court, while deciding the bail application.

10. As per the status report, except the present case, no other case is found to have been registered against the applicant. Meaning thereby, presumption of innocence, is in his favour.

11. The custodial interrogation of the applicant is no longer required by the police and as such, it can be said at this stage, that no useful purpose would be served by



keeping him in judicial custody.

12. The applicant is permanent resident of District Kangra, as such, it cannot be apprehended that in case, the applicant is released on bail, he may not be available for the trial.

13. So far as the apprehensions, which have been expressed by respondent No. 1-State in the status report, are concerned, for those apprehensions, reasonable conditions can be imposed.

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

15. Consequently, the applicant is ordered to be released, on bail, during the pendency of trial, arising out of **FIR No. 06/2025, dated 07.04.2025, under Sections 64, 351(2) of BNS, and Section 6 of POCSO Act**, registered with **Women Police Station Dharamshala, District Kangra, H.P.** on his furnishing personal bonds in the sum of Rs. 50,000/-, with one surety of the like amount, to the satisfaction of the learned trial Court.



16. 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.

17. 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.

18. 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.

19. The Registry is directed to forward a soft copy of



the bail order to the Superintendent of Jail, Lala Lajpat Rai, District & Open Air Correction Home, Dharamshala, District Kangra, Himachal Pradesh, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

20. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Lala Lajpat Rai, District & Open Air Correction Home, Dharamshala, District Kangra, Himachal Pradesh, is directed to inform this fact to the Secretary, DLSA, Kangra at Dharamshala. The Superintendent of Jail, Lala Lajpat Rai, District & Open Air Correction Home, Dharamshala, District Kangra, 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

28th November, 2025

(Pramod Kumar)