

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

(213)

CRM-M-20405-2026

Date of Decision: 22.04.2026

ROHIT JOLLY @ BOBBY @ AATHA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Ritu Punj, Advocate with
Mr. Sahaj Punj and Mr. Vijaya Kumar, Advocates
for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

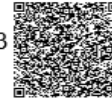
KIRTI SINGH, J. (ORAL)

1. This is the second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No. 97 dated 21.10.2024 under Section 64(2)(j), 64(2)(k) and 70(1) of BNS (earlier Sections 376(2)(j), 376(2)(K) and 376D of IPC), registered at Police Station Division No.2, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1).

2. The first bail petition was dismissed by this Court on 29.01.2026, by way of a detailed order, relevant portion whereof reads thus:-

“ xxxxxxxx

3. Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in this case. It is submitted that the allegations in the present FIR are against three individuals. However, the petitioner has not been named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by co-accused Saurabh @ Sonu as well as the supplementary statement of the prosecutrix. It is also submitted that neither any specific role, nor any overt act has been attributed to the petitioner. Furthermore, there is an inordinate delay of four days in lodging the present FIR. Even, the medical evidence does not substantiate the allegations so levelled. It is also submitted that the test identification of the petitioner was also not conducted, therefore, the



identity of the petitioner is also disputed. He further submits that the petitioner has undergone an actual custody of 01 year and 03 months and there is no other criminal case registered against him.

4. *Per contra, learned State counsel as well as the learned counsel for respondent No. 2 have vehemently opposed the submissions made by the learned counsel for the petitioner. They state that the petitioner was actively involved in the commission of the offence and serious allegations have been levelled against him. It is further submitted that the statement of the prosecutrix under Section 183 of BNSS, 2023 has been recorded by the investigating agency, wherein she stated that 7-8 persons including the present petitioner had committed rape upon her and also threatened to kill her. It has also been submitted that during the course of investigation as well as before the learned trial Court, the petitioner and other co-accused were duly identified by the prosecutrix.*

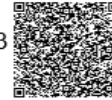
5. *Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of only 01 year and 03 months. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 27.8.2025 and out of total 23 prosecution witnesses, only 01 witness has been examined till date. Therefore, it is submitted that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.*

6. *Heard.*

7. *Prima facie grave and serious allegations have been levelled against the petitioner that he along with other co-accused kidnapped the prosecutrix, made her consume alcohol, committed rape upon her and also threatened her. A copy of the statement of the prosecutrix recorded before the learned trial Court has been produced, wherein she has categorically deposed that the accused forcibly took her to Hotel Sky near Cheema Chowk, gave beatings to her and committed wrong act with her. She has further stated therein that the accused also made her to consume alcohol and threatened her. Moreover, the petitioner has been duly identified by the prosecutrix during investigation as well as at the time of her deposition as a prosecution witness. The prosecutrix is not of sound mind, and has been undergoing treatment. Under such circumstances, this Court is not inclined to grant the concession of regular bail to the petitioner.*

8. *Accordingly, the present petition is hereby dismissed.*

9. *However, the learned trial Court is encouraged to conclude the trial expeditiously preferably within six months.*



10. *Nothing contained herein shall have a bearing on the merits of the case, and the trial Court is encouraged to conclude the trial expeditiously, independent of the observations made herein.*

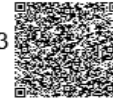
11. *Pending miscellaneous application(s), if any, also stands disposed of.”*

3. Learned counsel for the petitioner, while reiterating the submissions as contained in the foregoing reproduction, submits that the petitioner has been falsely implicated in the present case, and that there is no direct evidence on record to substantiate the allegations leveled against him. Learned counsel further submits that the petitioner has already undergone an actual custody of 01 year 05 months and 24 days and has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner and submits that there are specific and serious allegations against the petitioner of committing gang rape with the prosecutrix. He states that the petitioner was actively involved in the commission of the offence. He, on instructions from the investigating officer concerned, submits that the charges were framed on 27.08.2025 and out of 23 cited prosecution witnesses, 10 have been examined till date and 03 have been given up. He has filed the custody certificate in Court today and the same is taken on record, which reflects that the petitioner has undergone actual custody of 01 year 05 months and 24 days. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the learned counsel for the parties.

6. Reverting to the case in hand, this Court had, while dismissing the first bail petition filed by the petitioner, specifically observed that there were grave and serious allegations of kidnapping, intoxicating and forcibly



raping the prosecutrix along with other co-accused, had been leveled against the petitioner. Allegations qua recording of the alleged incident had also been made. It was further observed that the prosecutrix, though of unsound mind, had remained steadfast in her allegations against the petitioner, who she had duly identified. Moreover, in view of the custody period undergone by the petitioner, this Court had directed the trial Court to make an earnest endeavour to conclude the trial expeditiously, preferably within a period of six months.

7. Learned counsel for the petitioner has neither been able to point out any change in circumstances from the date of dismissal of the first bail petition, nor has been able to make out a case for grant of regular bail to the petitioner.

8. Accordingly, in view of the foregoing discussion, the present petition stands dismissed.

9. Nothing observed hereinabove shall be construed as an expression on the merits of the case.

10. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

April 22, 2026

Ritika

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