

**CRM-M-7700-2025**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-7700-2025
Decided on : 27.11.2025**

Ganesh Soni alias Ganesh Kalpanath Soni

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPresent: Mr. Shivam Tiwari, Advocate (through V.C.)
for the petitioner.

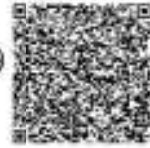
Mr. Varyb Gupta, DAG Haryana

SANJAY VASHISTH, J. (ORAL)

1. Petitioner-Ganesh Soni alias Ganesh Kalpanath Soni has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 64 dated 12.06.2024 registered under Section 4 of POCSO Act, 2012 (after the investigation at the time of filing final report Section 12 of POCSO Act and Section 66 E of IT Act) at Police Station Women West, Gurugram, District Gurugram.

2. The incident of sexual molestation of the victim 'H' took place during night of 06.06.2024 and the instant FIR was got registered on 12.06.2024 i.e. after a period of six days from the incident.

3. Learned counsel for the petitioner argues that though victim child is aged 17 years and 10 months, however, if the allegations are examined alongwith the Medico Legal Report having been prepared on 13.06.2024, the allegations

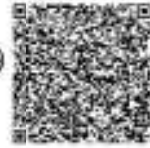
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seem to be doubtful as there is no injury or any abnormality on the private parts of the victim as noticed by the doctor. He further submits that the truthfulness of the allegation is yet to be established by the prosecution by proving the charges beyond doubt. However, presently, the petitioner is inside the jail for the last about more than a period of one year and five months and there is no chance of impressing upon or influencing the material witness as he has already been examined before the trial Court.

Learned counsel for the petitioner further argues that allegation against petitioner seems to be highly doubtful for the reason that there is no explanation as to why the complainant-victim kept silent for a long period of 5-6 days, if any such incident had happened with him, and thus, prays for grant of regular bail.

4. On the other hand, learned State counsel submits that the petitioner is inside the jail for the last 01 year, 05 months and 12 days and no other case is ever found or registered against him. He also points out that out of total 20 prosecution witnesses, 03 prosecution witnesses have already been examined including the victim child now aged 19 years. He further submits that only on the basis of not noticing any injury while medically examining the petitioner, the allegation can not be opined to be false or concocted because the incident took place during night of 06.06.2024 whereas the medico legal examination was also conducted after about 6/7 days, therefore, injury, if any, would have healed by that time and, thus, contention of the petitioner can not be considered, hence prays for dismissal of bail.

5. I have considered the submissions addressed by learned counsel for the parties and gone through the custody certificate. On 14.07.2025, this Court



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had directed the trial Court to record statement of the victim child at the first instance. Today in an sealed envelope, statement of PW-3 victim 'H' now aged 19 years has been forwarded, which was recorded before trial Court on 25.09.2025 and after going through the same, the statement is again put back in the sealed cover by the Court Secretary.

6. Undoubtedly, broadly the victim child has supported the version of the prosecution, however, it is subjected to lengthy cross-examination, therefore, at this stage no opinion is warranted in the instant bail petition proceedings. The same is yet to be examined by the trial Court alongwith other set of evidence, which is said to be adduced before it. Admittedly, out of total 20 prosecution witnesses, only 03 prosecution witnesses have been examined including the victim child 'H'. Recording of the statement of other 17 prosecution witnesses may take a considerable time and, therefore, petitioner who has already undergone incarceration period inside jail for 01 year, 05 months and 12 days, need not to be detained any longer period until the charges are found to be proved. Also, it can not be assumed that once the material witness i.e. victim child has already been examined, any influence can be applied by the petitioner over him. Moreover, already victim child is grown up person of the age of more than 19 years by now. In view of the circumstances, more importantly, the victim child having been already examined, I deem it appropriate to consider the plea of bail of the petitioner.

Accordingly, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/

Duty Magistrate concerned, if not required in any other case.

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7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

9. Petition stands disposed of.

November 27, 2025

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO