



CRM-M-8284-2025

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**113+238 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M-8284-2025 (O&M)**

Date of Decision: 11.11.2025

Raj Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Abhinav Sood, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

**Rajesh Bhardwaj, J. (ORAL)****CRM-45002-2025**

Allowed as prayed for. Annexures P-9 to P-11 are taken on record.

**Main case**

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.441 dated 18.09.2022 under Section 363 IPC (Sections 342, 506 IPC and Sections 4 and 18 of POCSO Act, added lateron), registered at Police Station Dabua, District Faridabad.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Vijay son of Gangadeen. It was alleged that he has four sons. On 15.09.2022 at about 04:00 a.m., his son Sujeet, aged 15 years, had gone from the house without informing any of family members. He kept on searching his son, but failed to search him. Thus, request was made to search his son. Description of the child was given by the complainant in FIR. On the registration of the FIR, the investigation commenced. During the investigation, the child was found in the house of



the petitioner, namely, Raj Kumar on 19.09.2022. The petitioner was arrested on 15.03.2023. Statement of the victim child was recorded under Section 164 Cr.P.C. He was medico legally examined. On completion of the investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Fast Track Special Court, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 22.08.2024. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that both the petitioner and the victim's family were close neighbours. It is submitted that as per the FIR, victim allegedly went missing on 15.09.2022 and the FIR was lodged three days after i.e. on 18.09.2022, which in itself shows that a coloured version has been given to the FIR in a premeditated manner. It is submitted that after registration of the FIR, offence under Sections 4 and 18 of the POCSO Act, were added. He submits that all the three doctors i.e. Dr. Purav Goyal, Dr. Manish Dayal and Dr. Rohit Gaur, were examined before the trial Court as PW-5 to PW-7, respectively. He submits that all the three doctors have examined the victim and deposed before the trial Court that there was no mark of any injury on the body of the victim. It is submitted that ocular version is not medically corroborated. He further submits that the material witnesses i.e. the victim, his father and all the doctors, already stand examined and thus, there is no



probability of the petitioner influencing the prosecution witnesses. It is further submitted that the petitioner is behind the bars from last about 2½ years and he has no criminal antecedents, as he has never been involved in any case of similar nature. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that the victim in the present case was 15 years of age. His statement under Section 164 Cr.P.C. was recorded, wherein, he specifically deposed against the petitioner of having committed the offences which falls under the provisions of POCSO Act. He submits that the victim and this father have duly supported the case of the prosecution. He further submits that the petitioner had committed a heinous offence and thus, he does not deserve to be granted bail. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the victim child allegedly went missing on 15.09.2022 and the FIR was lodged after three days, i.e. on 18.09.2022. All the three doctors, who examined the victim, have deposed before the trial Court and their testimonies have been placed before this Court. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 07 month & 26 days as on 10.11.2025. It further shows that the petitioner is involved in one more case i.e. a complaint under Section 138 of the Negotiable Instruments Act.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both



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the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.11.2025  
sharmila

(RAJESH BHARDWAJ)  
JUDGE

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|-----------------------------|--------|
| Whether Speaking/Reasoned : | Yes/No |
| Whether Reportable :        | Yes/No |