



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

215

CRM-M-10161-2025

Date of decision : 16.07.2025

Imran

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajesh Lamba, Advocate with
Mr. Rahul Gugnani and Mr. Abhinav Kaushik,
Advocates for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.296 dated 06.04.2023 registered under Section 8 of Protection of Children from Sexual Offence Act, 2012 and Sections 34, 457 & 380 of Indian Penal Code, 1860 at Police Station Sector 58, District Faridabad.

2. Status report by way of an affidavit of Sh. Vivek Kundu, HPS, Assistant Commissioner of Police, Mujesar, District Faridabad, on behalf of the respondent-State, filed in the Registry is taken on record.

3. Brief facts of the case are that on 06.04.2023, the father of the prosecutrix made a written complaint to the police alleging therein that in the intervening night of 03/04.04.2023, he was sleeping along with his family at his house. At around 3/3.30 a.m. in the morning, he heard some noise and woke up. He saw Imran (the present petitioner)

**CRM-M-10161-2025****2**

was running out of his room. He ran after him and saw that co-accused Salamuddin @ Cheema was standing there. They both ran away together. He came inside and saw that his daughter aged 13 years was awoke who told him that the petitioner took out his penis and was standing near her pillow. He discharged semen in her mouth. The phone of the wife of the complainant was not in the house and they have suspicion that the same has also been taken away by the petitioner. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the prosecutrix, who has been examined as PW-1 before the Trial Court, has not supported the case of the prosecution as in her statement, she stated that nothing wrong had been done by the petitioner at any point of time with her and she has also not identified the petitioner. The video was played in the Court and the prosecutrix denied that the video pertains to her. She has further submitted that the police has obtained her signatures on the blank paper and on the basis of the same, the petitioner was made an accused.

5. Learned counsel for the petitioner further submits that the petitioner is in custody since 07.04.2023 and he is not involved in any other case. He also submits that the investigation in the present case is complete; challan stands presented and out of total 20 prosecution witnesses, 14 have been examined so far. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.



CRM-M-10161-2025

3

6. Per contra, learned State counsel, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, she could not refute the factual position that out of total 20 prosecution witnesses, 14 have been examined till date, the petitioner is in custody for the last more than 02 years and he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the record.

8. Keeping in view the custody period of the petitioner, which is about 02 years and 03 months and the facts that PW-1 prosecutrix has not supported the case of the prosecution in her statement recorded before the Trial Court, challan has been presented; charges have been framed and out of total 20 prosecution witnesses, 14 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The petition stands disposed of accordingly.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

16.07.2025

kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No