

CRA-S-643 of 2025

2025:PHHC:103700



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

CRA-S-643 of 2025

Date of decision: 11.08.2025

Axxx

.....Appellant

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Prateek Rathee, Advocate, for the appellant.

Mr. Ramendra Singh Chauhan, AAG, Haryana.

NAMIT KUMAR, J.

1. Instant appeal has been preferred against the order dated 27.01.2025, passed by learned Presiding Officer, Children's Court-cum-Additional Sessions Judge, Fast Track Special Court under the POCSO Act, 2012, Gurugram, vide which the application of the appellant seeking regular bail in case arising from FIR No.255 dated 17.04.2023 registered under Sections 363, 366A IPC and Section 6 of the Protection of Children from Sexual Offences Act, at Police Station Sector-10, Gurugram, has been dismissed.

2. Present FIR was registered on the complaint of the mother of the victim/girl child alleging therein that she has been a resident of Gurugram and having two daughters. She alleged that on 16.04.2023 at about 11.00 a.m. her elder daughter aged 15 years had left her home without telling anything to anyone and despite their frantic search whereabouts of

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girl child could not be located and she raised suspicion that her daughter might have been allured and enticed away by some person on the pretext of marriage. On her complaint, case was registered under Sections 363 and 366 IPC. Investigation was carried out. During investigation, efforts were made to trace out the victim. On 22.04.2023, complainant again got recorded her statement to the police that she came to know that her daughter had been enticed away by the petitioner/juvenile. Thereafter the petitioner was arrested and child victim was recovered from Timex Company, Sector-68, Noida and custody of the child victim was taken by the police. After recording the statement of the child victim under Section 161 Cr.P.C., Section 6 of the POCSO Act was added.

3. Learned counsel for the appellant submitted that the appellant is innocent and has been falsely implicated as he has nothing to do with the alleged offence mentioned in the FIR. He further submitted that statements of the victim and mother of the victim/complainant have been recorded and they have turned hostile. Learned counsel further submitted that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 26 prosecution witnesses only 06 have been examined till date. He further submitted that the appellant is in custody since 09.06.2023. He further submitted that the appellant is not involved in any other case. He further submitted that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the appellant behind bars.

4. *Per contra*, learned State counsel has opposed the prayer for

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grant of regular bail to the appellant on the ground that the appellant is the accused of enticing away the child victim from the lawful guardianship of her parents and inducing her for illicit intercourse and commission of aggravated penetrative sexual assault upon her. Therefore, keeping in view the gravity of offence, appellant does not deserve the concession of regular bail.

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

6. Keeping in view the custody of the appellant, which is about 02 years, 02 months and 02 days; complainant as well as the victim have not supported the prosecution case; out of total 26 prosecution witnesses only 06 have been examined, therefore, conclusion of trial may take a long time, however, without commenting upon the merits of the case, the appellant 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.

7. The appeal stands disposed of accordingly.

8. 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 appeal only.

11.08.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No