

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

CRM-M-10907-2025 (O&M)

Date of Decision:-21.05.2025

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

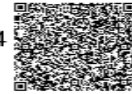
Mr. Vishal Kashyap, DAG, Haryana.

Mr. Prateek Rathee, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.79 dated 14.09.2024 under Section 75(2) of BNS 2023 and Section 10 of POCSO Act, registered at Police Station Women Police Station Hansi, District Hansi, Haryana.

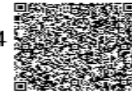
2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 08 months and 06 days, and the investigation in the present case stands completed and the challan has been presented. He submitted that the unfortunate allegations made against the petitioner are that he, being the father of a minor girl aged 4½ years, allegedly molested her even in the presence of his wife. He further submitted that due to matrimonial disputes between the petitioner and his wife, the present FIR



came to be registered with the allegations that he was molesting his own daughter of the age of 4 and $\frac{1}{2}$ years even in the presence of his wife. He also submitted that rather the allegations are based upon a video recording which was also supplied to the police, wherein it can be seen that both the petitioner and his wife were although present and they were exchanging their own words but the small girl was playing and laughing in that video. He submitted that the brief portion of a few seconds of the aforesaid video was used against the petitioner by alleging that he had molested his own daughter. He further submitted that these allegations are not only improbable but also get falsified by the content of the video and as such in view of the aforementioned facts and circumstances, the petitioner may kindly be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that insofar as the custody of the petitioner is concerned, the same is correct and the investigation in the present case stands completed and challan has been presented. He submitted that the allegations are based upon the fact that the complaint was made by the wife, alleging that the petitioner has molested his own daughter, which is based upon a video recording.

4. Learned counsel appearing on behalf of the complainant has opposed the grant of regular bail to the petitioner on the ground that the petitioner being the father of the girl, was an alcoholic and had molested his own daughter. He submitted that the victim is yet to be examined and on this ground, he does not deserve the concession of regular bail. He further submitted that the present was not only an isolated incident but the petitioner



had earlier been doing the same thing and the girl has so stated before the counsellor.

5. I have heard the learned counsels for the parties.

6. During the course of arguments, Ld. counsel for the parties have shown the video on the basis of which the FIR was lodged, to the learned State counsel and also to the Court.

7. After hearing learned counsels for the parties and upon viewing the video, this Court is of the considered view that without going into the merits of the present case as the same can be seen only at the time of trial but only for the purpose of considering the grant of regular bail to the petitioner and in view of the fact that the investigation in the present case has been completed and challan stands presented, the petitioner deserves the concession of regular bail.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. 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.

(JASGURPREET SINGH PURI)
JUDGE

21.05.2025

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No