



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

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Date of decision : 29.07.2025

(i)

CRM-M-14491-2025

Himanshu @ Hanni @ Himanshu Goyal

.....Petitioner

versus

State of Haryana

.....Respondent

(ii)

CRM-M-28171-2025

Sachin @ Sagar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner in CRM-M-14491-2025.

Mr. Soeb Khan, Advocate with
Mr. Shikhar Goel, Advocate
for the petitioner in CRM-M-28171-2025.

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

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of both the abovesaid petitions, as the same have been arisen out of the common FIR.

2. The present petitions have been filed by the petitioner(s) under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.432 dated 20.09.2023 registered under Sections 376 & 506 of Indian Penal Code, 1860 and



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Sections 6 & 12 of Protection of Children from Sexual Offence Act, 2012 at Police Station S.G.M. Nagar, District Faridabad.

3. Status reports by way of an affidavit of Sh. Vishnu Parshad (HPS) Assistant Commissioner of Police, Badkhal, Faridabad, on behalf of the respondent-State, in both the cases, filed in the Registry are taken on record.

4. In terms of order dated 27.05.2025, compliance report by way of an affidavit of Sh. Ranvir Singh, SHO, Police Station S.G.M. Nagar, Faridabad, on behalf of the respondent-State, in CRM-M-28171-2025 has been filed in the Court today which is also taken on record. As per the said report, the complainant has been informed about the pendency of the present petition and the date fixed therein. However, no one is present on behalf of the complainant.

5. Brief facts of the case are that on 20.09.2023, mother of the prosecutrix made a complaint to the police alleging therein that her daughter, aged 14 years, disclosed her that some days before from Janamashtami, accused Hanni and his friend Sagar (the present petitioners) had committed aggravated penetrative sexual assault upon her on the Gurugram road. Now, accused Hanni is asking her to accompany him again at the Gurugram road and threatened her that if she disclosed about him and co-accused Sagar to the police or her family members then she would be killed. He also threatened her to viral her obscene videos in the society. On the basis of the said complaint, the instant FIR was registered.



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6. Learned counsel for the petitioners, inter alia, submit that the petitioners are innocent and have been falsely implicated in the present case. No such incident, as alleged in the FIR, has occurred. The prosecutrix and her mother (complainant), who have been examined before the Trial Court as PW-1 and PW-2, respectively, have not supported the case of the prosecution and have turned hostile. The prosecutrix in her statement recorded before the Trial Court stated that the petitioners had not committed any wrong act upon her. She further stated that the police obtained her signatures on blank papers. When the alleged video was put to the prosecutrix, she has denied that the video pertains to her and refused to identify any of the accused in the present case in the said video.

7. Learned counsel for the petitioners further submit that the petitioner-Himanshu @ Hanni is behind the bars since 22.09.2023 and petitioner-Sachin @ Sagar is behind the bars since 15.12.2023. They also submit that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 24 prosecution witnesses, only 02 (prosecutrix and her mother) 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 petitioners behind the bars.

8. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of regular bail to the petitioners on the ground that the petitioners have committed aggravated sexual assault upon the



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prosecutrix and also prepared her obscene video. However, she could not refute the factual position that out of total 24 prosecution witnesses, only 02 (prosecutrix and her mother) have been examined so far and the petitioners are behind the bars since last more than one and a half years.

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

10. Keeping in view the custody period of petitioner Himanshu @ Hanni which is 01 year, 10 month and 07 days and petitioner-Sachin @ Sagar which is 01 year 07 months 14 days and the facts that the prosecutrix and her mother (the complainant) have not supported the case of the prosecution before the Trial Court and have turned hostile; investigation has been completed; challan has been presented; charges have been framed and out of total 24 prosecution witnesses, only 02 (prosecutrix and her mother) have been examined so far and the trial may take a considerable time to conclude, therefore, the petitioners are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

11. The petitions stands disposed of accordingly.

12. 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 petitions only.

29.07.2025

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No