



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

CRM-M-16219-2025

Date of Decision:-07.08.2025

Gaurav Tomar.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Johan Kumar, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this third petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the petitioner in case FIR No.355 dated 28.06.2022 under Sections 342, 377 IPC and Section 6 of POCSO Act, 2012 registered at Police Station Suraj Kund, Faridabad, District Faridabad.

2. The present FIR came to be registered at the instance of Anil Kumar and reads as under:-

“ To, the chowki In-charge Dayal Bagh chowki Suraj Kund, Faridabad. It is requested that 1 Anil Kumar S/o Shiv Raj Singh resident of village Rajpur Police Station Hathrash Uttar Pradesh now residing at D-Block 581 Shiv Durga Vihar. I have two sons I am a Beldar today on dated 27.06.2022 I had come at my work place, my wife called me and told that something wrong has been done with my elder son Krishna aged about 04 years, and



requested me to come back at home, I accordingly came back and made inquiry from my son Krishna then he told that Gaurav had called him in his room on the pretext to show him mobile and has done some wrong act Buttocks, Gaurav his residing next to our room on rent I have assured myself after making inquiry from my son. So, that legal action be taken against Gaurav Sd/- Anil Kumar".

3. The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The complainant Anil Kumar was examined as PW-1 and has not supported the prosecution case. The statement of the victim child was recorded as PW-2 and it is discrepant in material particulars. As the petitioner is in custody since 26.08.2023 but only 06 of the 17 Pws have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. Therefore, he is entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the statement of the child was first recorded under Section 164 Cr.PC in which he has categorically explained the manner in which the occurrence took place. He was examined as PW-2 during the course of the trial and has explained in detail as to how the offence was committed by the present petitioner. He thus contends that merely because the complainant had turned hostile would not detract from the veracity of the prosecution case which stands duly established from the deposition of the 04 years old victim. Therefore, the present petition is liable to be dismissed.

5. I have heard counsel for the parties.

6. Admittedly, the complainant was examined as PW-1 and has not supported the prosecution case. However, a perusal of the deposition of



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the victim aged 4 year recorded as PW-2 would show that though initially he had denied the occurrence on being questioned further, he has explained in detail as to how the petitioner committed the offence in question. Needless to say the question of tutoring a 04 year old child does not arise. In fact the alleations levelled are extremely grave to say the least. Further 06 of the 17 Pws already stands examined and therefore, the Trial is proceeding at a steady pace without there being undue delay.

7. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 07, 2025

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No