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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20520-2025 (O&M)
Date of Decision: 06.05.2025

Ramesh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mukesh Yadav, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Neeraj Yadav, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioner in FIR No.56 dated 19.03.2025, under Section 10 of POCSO Act and Sections 329(4), 351(3) of BNS, registered at Police Station Kosli, District Rewari, Haryana.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case since as per the allegations, the victim who was of the age of 11 years had alleged that twice the petitioner has molested her. He further submitted that the petitioner is the Sarpanch of the village and there is a political enmity between the parties and because of the political enmity, false allegations have been levelled against the petitioner to implicate him in false case. He further submitted that a perusal of the FIR would show that the victim has so stated



that in the month of January, 2025 when the Chief Minister of Haryana had come to village Kosli for addressing a rally then on that date the victim was alone at home and watching TV and the petitioner had come from behind and molested her. He further submitted that in fact the allegation is false because of the fact that the Chief Minister of Haryana had never visited the aforesaid village Kosli in the month of January and rather he visited the aforesaid village in the later days of December, 2024, therefore, the authenticity of the allegations made by the victim in the FIR is highly questionable and the allegations are false and incorrect. He also submitted that considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of anticipatory bail.

3. On the other hand, the learned State counsel submitted on instructions that so far as the aforesaid aspect as stated in FIR that in the month of January, 2025 when the Chief Minister of Haryana had visited village Kosli then the aforesaid offence of molestation was committed upon the victim is concerned, the aforesaid position was clarified by the mother of the victim at the time of investigation that the victim was only of the age of 11 years and she could not recollect as to whether it was end of December, 2024 or January, 2025 and even otherwise also the aforesaid itself cannot become a ground for grant of anticipatory bail to the petitioner because the victim in the present case was only of the age of 11 years and it cannot be said that she would be speaking lies. He further submitted that not only one incident has been stated in the FIR but second incident has been so stated to have taken place after about 2 months i.e. on 18.03.2025, again in the morning the petitioner repeated the same offence and considering the



gravity and seriousness of the offence, his custodial interrogation is required and therefore, the present petition seeking anticipatory bail may be dismissed.

4. Mr. Neeraj Yadav, Advocate has appeared on behalf of the victim and complainant and has submitted that the petitioner had repeatedly molested the victim who is of the age of 11 years and so far as the incident of 18.03.2025, which has been stated in the FIR is concerned, rather on the same date and at the same time after the petitioner had molested the victim, the inhabitants and neighbours had beaten up the petitioner. He also submitted that the mere fact that the petitioner is the Sarpanch of the village, he cannot take advantage of the same by so stating that he has been falsely implicated because of political enmity because there is no political enmity and therefore, the petitioner does not deserve the concession of anticipatory bail.

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

6. The present FIR which has been attached alongwith the present petition as Annexure P-1 is reproduced as under:-

"Statement of Isha daughter of Kapil Kumar 11 years resident of Surkhpur police station Kosli District Rewari mobile no.-9813687311 stated that I am a resident of the above address and I study in the sixth class in Indiana Public School Kotopuri. In January 2025, Chief Minister Naib Singh Saini had come to Kosli for a rally that day and Sarpanch of our village Ramesh Kumar son of Daryav Singh came to our house to call me for the rally. At that time I was alone in the chobara and watching TV, then Ramesh came from behind and held me in his arms and started kissing me. When I screamed,



he left me and went away and said that if I tell anyone about this, I will kill you. Yesterday on 18/03/2025, Ramesh came again at around 7 am to get milk and again he did dirty things to me, which I told my mother about. My mother said that earlier we had warned him but now we will not spare him. When he came to our house again, when our family members asked him, he said that he had made a mistake and will not repeat it again, but I am still scared of Ramesh. I may be protected from Ramesh. Sd- Isha 19/3/2025. My daughter Isha has given this statement in front of me without any pressure. Birmati | Attested Reshu Sharma Adv. Civil Court Kosli 19/03/25."

7. It was argued by the learned counsel for the petitioner that the allegations contained in the FIR are false because as per the FIR the Chief Minister of Haryana had visited village Kosli in the month of January, 2025, whereas he never visited village Kosli and rather visited during the later days of December, 2024. So far as the aforesaid argument raised by the learned counsel for the petitioner is concerned, this Court is of the view that considering the age of the victim to be 11 years and as stated by the learned State counsel that the aforesaid has been clarified by the mother of the victim and the same cannot itself become a ground for grant of anticipatory bail to the petitioner. Another argument which was raised by the learned counsel for the petitioner that because of political enmity as the petitioner is the Sarpanch of the village he has been targeted is concerned, a perusal of the FIR and the allegations would show that it is not one incident but twice incidents have been reported by the same victim, who is a minor girl of the age of 11 years. It cannot be presumed at this stage at least that a minor girl would speak lies.

8. It was the case of the learned State counsel that considering the aforesaid seriousness of the offence pertaining to molestation of a minor girl of the age of 11 years not once but twice, the custodial interrogation of the petitioner is required carries weight and cannot be ignored. It is made clear that the present petition is being considered and decided only for the purpose of grant or non-grant of anticipatory bail to the petitioner and it would not reflect anything on the merits of the case.
9. In view of the above, the present petition is hereby dismissed.
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.

06.05.2025

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

:

:

Yes/No

Yes/No