



CRM-M-28796-2025 -1-

295

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

CRM-M-28796-2025

Date of Decision:- 06.08.2025

Anil Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Pardeep Goyal, Advocate (through V.C.)
for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Anil Kumar has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 187 dated 30.06.2024 under Section 366 of IPC and Section 6, 17 of POCSO Act, 2012 registered at Police Station NIT, Faridabad.

2. As per the facts of case, prosecutrix gave her statement that she is about 17 years 4 months old. She was adopted by her maternal uncle and started residing with him at Faridabad. Whenever she used to go to school, Anil Kumar used to follow her and after sometime, they became friends and started talking to each other. They used to sit in parks etc. In October, 2022, she accompanied Anil Kumar for a walk and he took her to OYO Hotel in Old Faridabad. He hired a room and developed physical relations with her. He told her not to disclose about this fact to anyone. Whenever she used to talk to Anil or she did not go to school once or twice, her family members got suspicious and she was sent to her house in Palwal.



CRM-M-28796-2025 -2-

She used to call Anil Kumar on his mobile phone. On 27.06.2024, at about 11:00-11:30 am, she called Anil Kumar that she wanted to meet him. Anil Kumar assured that he will come at around 10:30 pm to meet her and she should come outside the house. At night time, when she came out, Anil Kumar was waiting for her on a motorcycle. At some distance, his two friends were also standing. All of them went to Faridabad on motorcycle. Anil Kumar took a room in Royal Hotel in NIT, Faridabad, whereas, his friends came to reception. She was told to disclose her name as Sona. They stayed for a night and Anil again developed physical relations with her. They did not go home that night. On 28.06.2024, Anil Kumar dropped her to her maternal uncle's house. Finally, matter was reported to police, on the basis of which present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner was arrested in this case on 11.07.2024 and since then he is behind the bars. Statement of prosecutrix has been recorded as PW-1. She has not supported prosecution case and was declared hostile. Said FIR has been lodged at the behest of her parents. She categorically stated that no physical relations were developed with petitioner at any point of time. Regional Forensic Science Laboratory report (Annexure P-6) has come with negative result that no semen could be detected on vaginal swabs. Petitioner is ready to abide by terms and conditions of bail order. Other co-accused Sourabh Kumar and Kapil have been granted regular bail by this Court vide order dated 15.10.2024 passed in CRM-M-49521-2024 and order dated 07.11.2024 passed in CRM-M-54375-2024, which are Annexures P-7 and P-8 respectively. Petitioner shall abide by terms and conditions of bail order. Therefore, he may be granted relief of regular bail.

**CRM-M-28796-2025****-3-**

4. Status report has been filed confirming the allegations. Statement of prosecutrix was recorded under Section 164 Cr.P.C. (Annexure R-1). As per Birth Certificate (Annexure R-2), she was born on 25.02.2007. It is confirmed that on completion of investigation, challan has been presented. Other co-accused have been granted bail by this Court. It is pointed out that petitioner is main accused. Therefore, his regular bail petition may be dismissed.

5. I have considered the arguments and have gone through the record carefully. Trial in this case is going on. After framing of charge-sheet, statement of prosecutrix has been recorded as PW-1 (Annexure P-5). It is matter of record that prosecutrix did not support her previous version and was declared hostile and was cross-examined. Report of Regional Forensic Science Laboratory is Annexure P-6, according to which, no semen could be detected on exhibit-1 (Vaginal Swabs). Till date only statement of prosecutrix has been recorded. Petitioner is behind the bars since 11.07.2024. Trial in this case may take long time. Therefore, without expressing my mind on the merits of case, regular bail petition filed by petitioner – Anil Kumar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

06.08.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No