

2025:PHHC:097394



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.50585 of 2024
Date of Decision:01.08.2025
Reserved on: 24.07.2025

Sonu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jagdish Singh Rana, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
1047	23.09.2023	Hisar Sadar, District Hisar	377 and 506 of IPC and 4 of the Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned has been registered on the basis of complaint lodged by the complainant “BD” (name withheld) alleging therein that his son “AM” (name withheld) who was 12 years old, made a

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complaint of having stomach ache and on asking, he disclosed that on 16.09.2023, the present petitioner had taken him and the victim No.2 “AS” (name withheld) who is also a juvenile, to a room in his fields. He had tied their hands, made them consume alcohol and had then done act of carnal intercourse against the order of nature. After registration of FIR, investigation proceedings were initiated. The victims were medically examined. Their statements were got recorded. The petitioner was arrested on 24.09.2023. On interrogation, he suffered disclosure statement admitting his involvement in the crime and got recovered the motorbike used at the time of occurrence. Statements of victim under Section 164 of Cr.P.C. were also got recovered. Investigation now stands completed and the petitioner is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay in reporting the matter to the police which has not been satisfactorily explained. The statement recorded by the victim “AM” under Section 164 of Cr.P.C. is contradictory to the statement as recorded before the Court and has created doubt about the veracity of the prosecution version. The victim No.2 was attending school on the fateful day and, therefore, there are no chances of his being subjected to act of penetrative sexual assault by the petitioner. As per medico legal reports, no external or internal injuries were found on the person of the victims. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. The petitioner has clean antecedents. It is, therefore, urged that he deserves to be released on bail.



4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are specific and serious allegations against the petitioner. Both the victims have been examined and they have fully supported the prosecution version. Minor inconsistencies in their statements cannot be considered to be a reason for holding the petitioner to be innocent. It is, therefore, argued that the petition does not deserve to be allowed.
5. This Court has considered the rival submissions.
6. The petitioner is alleged to have subjected the victims to act of carnal intercourse against the order of nature and act of penetrative sexual assault on 16.09.2023. The victims while appearing as witnesses before the trial Court have supported the prosecution version. The allegations against the petitioner are quite grave in nature. Keeping in view the gravity of the allegations so levelled, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.
7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.08.2025
manju/Parveen Sharma

(MANISHA BATRA
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No