



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

239

**CRM-M-53775-2024 (O&M)
Date of Decision:- 27.05.2025**

VANSH KUMAR

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. M.S. Chauhan, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajwa, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. Status report dated 20.03.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Assandh, Karnal is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Arguments heard.

3. The instant petition has been preferred by the petitioner under Section 528 read with Section 483 and 369 BNSS, 2023 for setting aside the order dated 01.08.2024 (Annexure P-5), passed by learned Additional Sessions Judge-cum-Fast Track Court (POCSO), Karnal and to grant of regular bail to the petitioner in the following case :-



FIR No.	Dated	Sections	Police Station
249	01.06.2024	323, 328, 365, 34 IPC; 8 of POCSO Act; (325, 377 and 363 IPC and 6 and 10 POCSO Act added later on) (8 of POCSO Act deleted later on)	Nissing, Karnal, Haryana

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that after the completion of investigation, challan has been presented in Court wherein the prosecution has cited 41 witnesses. He submits that the prosecution has examined the victim, who has given clean chit to the petitioner and has not supported the case of prosecution. He has supplied a copy of his testimony, which is taken on record. He submits that the petitioner is in custody since 18.06.2024 and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the grant of bail to the petitioner considering the heinous nature of the crime. He has, however, not disputed the factum of the victim-injured having turned hostile in the present case.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was named in the present case on the allegations of having committed sexual assault with the victim and was arrested on 18.06.2024. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 41 witnesses. The



prosecution has examined the sole witness to the occurrence, who happens to be victim himself and in his testimony, he has not lent any support to the case of prosecution against the petitioner and has given clean chit to the petitioner by testifying that the accused present in Court is not the same person, who had committed the offence with him. The witness was cross-examined at length by learned Public Prosecutor for the State, but nothing substantive cropped up so as to connect the petitioner with the offence. This being the case, the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The order dated 01.08.2024 (Annexure P-5) is set aside and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

27.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No