



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

**CRM-M-59773-2024
Reserved on: 7th March, 2025
Pronounced on: 11th March, 2025**

Virender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Bakshi, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 234 dated 27.09.2023 registered under Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') at Police Station Sector 9, Ambala City.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant 'B' (name withheld) making allegations that on 26.09.2023 at about 9:00 PM, the petitioner along with children in conflict with law 'N' and 'K' (names withheld) had taken her minor son 'K' (name withheld) aged about eight years, to an empty plot and



had committed act of carnal intercourse against the order of nature. Investigation proceedings were initiated. The victim was medically examined. The children in conflict with law were detained and joined into inquiry. The petitioner was arrested on the same day. He was interrogated and suffered disclosure statement admitting the fact that he along with children in conflict with law had committed the act of aggravated penetrative sexual assault upon the victim. He also demarcated the place of occurrence. The investigation stands completed and the petitioner is facing trial for commission of aforementioned offences. The children in conflict with law are before the Juvenile Justice Board.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 28.09.2023. Trial is likely to take time. The victim and the complainant have since been examined. Their statements are highly improbable and unnatural. There are no chances of his intimidating the witnesses. There is no medical evidence connect the petitioner with the subject offence. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that there are specific allegations against the petitioner who along with the children in conflict with law took the victim in a vacant plot by inducing him and have committed aggravated penetrative sexual assault. As per the medico legal report, the possibility of attempt to penetration on the anal part of the victim could not be ruled out. Blood has been detected on the anal swab of the victim. The



victim as well as the complainant have fully supported the prosecution version in their respective sworn depositions. The victim identified the petitioner. There are chances of petitioner's absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner along with the children in conflict with law is alleged to have subjected the victim to aggravated penetrative sexual assault/ to have committed the act of carnal intercourse against the order of nature with the victim. The medical evidence so far produced on record also suggest so. Copies of sworn depositions of the victim and his mother have been placed on record by the respondent-State, which show that the victim not only identified the petitioner but also fully supported the prosecution version by saying that he along with other boys had committed wrong act with him. Keeping in view the gravity of the allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th March, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No