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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-67972-2025
Decided on : 23.12.2025

Kamal

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Naveen Siwach, Advocate (through V.C.)
for the petitioner(s).

Mr. PK Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present second petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kamal	236	16.04.2025	109(1), 115, 140(4) of BNS, 2023 and 6 of the POCSO Act, 2012	HTM, Hisar	Hisar

2. This is a shocking instance wherein a victim child, studying in second standard, has been sexually as well as physically victimized by the petitioner – Kamal, aged about 18 years. The deposition made by the victim child in his examination-in-chief before the trial Court, while appearing as PW-1, is as under:-

“ Stated that I am ten years old. My parents do labour work. I have two brothers and two sisters. I am studying in class 2 On 9.4.2025, accused Kamal today present in the court removed his underwear as well as my underwear. Thereafter, he inserted his Susu witness pointed out place of Susu by touching his penis) into my



backside (Anus). He committed said act in the Jungel. Thereafter, he hit brick upon my head. He also gave beatings to me at that time. He hit brick on my head and nose. Thereafter, he threw me in the bushes. After sometime, he came back to check me. Thereafter, he left the spot assuming that I had already died. Police came there. Police recorded my statement Ex.P1 which bears my signature. Ld. Magistrate recorded my statement.

(At this stage, a sealed envelop is opened and statement recorded under Section 183 BNSS of victim alongwith other documents are taken out and the same are shown to the witness).

I have seen statement Ex.P2 which bears my signature at point A Police took me to the hospital where I got treatment. Counselling report Ex.P3 bears my signature.

Xxxxxxxx Sh. Parveen Siwach, counsel for accused

I am studying in class 2 From the starting we were residing in Delhi. Now we are residing at Hisar trom many days. Accused Karan is residing on the back street of our house. My brother 'Ro' is younger to me. Prior to present incident, accused never took me with him. It is incorrect to suggest that I used to play with accused in the park. On the day of incident, accused stated me to take me with him to Jungle. At that time, I was coring back to my house alongwith my brother after playing in the park. The place of incident is situated at some distance from my house. There was no house or factory near the place of incident. After leaving me at the spot, accused came back alone. Self stated that he again came to see me. No other person was present at the time of incident except me and accused. The occurrence had taken place at about 12-00 noon in the day time. Accused committed wrong act with me in the open place in the jungle. I did not raise any hue and cry at that time. It is correct that accused called the police to take me to the hospital. Accused did not accompany me to the hospital. disclosed the name of accused to the police after some days. I did not raise hue and cry when accused took me with him on scooty. I never visited the house of Kamal. We used to play in the street. Accused came back after leaving me at the place of Incident immediately. Again stated that accused after taking me with himself to the Jungle and therealler committed wrong act with me and caused injuries to me and thereafter he came back. Prior to the incident in question,accused never committed any wrong act with me. I is incorrect to suggest that accused did not commit any wrong act with me. It is incorrect to suggest that accused only left me at the place of occurrence for playing purpose and thereafter, he came back. It is incorrect to suggest that after sometime, he came back to take me back at my house. It is incorrect to suggest that accused himself informed the police regarding receiving injuries by me. It incorrect to suggest that I have deposed falsely, It is incorrect to suggest that accused did not cause any injuries to me. It is incorrect to suggest that accused did not commit any wrong act with me.”

3. During the Medico-Legal Examination conducted on 09.04.2025, a total of seven injuries were noticed by the Doctor concerned.

4. The petitioner is stated to be inside jail for the last about eight



months. However, keeping in view the serious nature of the allegations and the manner in which the innocent victim child has been subjected to such treatment, this Court is of the considered opinion that the petitioner does not deserve the discretionary relief of grant of bail. Consequently, the instant petition stands **dismissed**.

However, the trial Court is directed to make all endeavours to conclude the trial proceedings within a period of six months from today.

Let a copy of this order be forwarded to the trial Court concerned for due compliance.

Pending crl. misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

December 23, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*