



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

212

CRM-M-3307-2026 (O&M)

Date of Decision: 19.03.2026

SHIVAM ALIAS DEEPANSHU

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Dr. Pankaj Nanhera, Senior Advocate with
Mr. Pradeep Duhan, Advocate and
Mr. Sachin Jangra, Advocate for the petitioner.

Mr. S.K. Panwar, Additional AG, Haryana

Mr. Gaurav Vir Singh Behl, Advocate and
Mr. Jugraj Singh Chouhan, Advocate
for respondent No.2/complainant.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 0052 dated 07.08.2025, under Sections 376(2)(n), 376(3), 471, 506 of IPC and Section 6 POCSO Act, 2012, registered at Women Police Station Panipat Haryana. This petition arises as a challenge to the order dated 09.12.2025 passed by the learned Additional Sessions Judge, Fast Track Court, Panipat whereby the petitioner's prayer for regular bail was declined.

2. Learned counsel for the petitioner has vehemently argued that the petitioner, a young boy of 19 years, has been falsely implicated in the present case as a retaliatory measure. It is submitted that the complainant's family had



previously attacked the petitioner's residence, resulting in FIR No. 0469 dated 26.07.2025, and that the present FIR is a "counter-blast" designed to exert pressure on the petitioner's family. The defense further highlights that a prior complaint dated 26.07.2025 of molestation was dismissed by the police after an inquiry wherein the allegations were found to be baseless and rejection report was submitted on 28.07.2025. He further contends that the present FIR has been lodged after an inordinate delay of almost 1.5 years from the date of the alleged occurrence and after 12 days of registration of FIR No.469. As per the medical report dated 07.08.2025 (Annexure P-3), there were no injuries and no evidence of sexual intercourse, thereby casting serious doubt on the veracity of the prosecution's case. Given that the petitioner has been in custody since 07.08.2025 and the investigation stands completed with the filing of the final report, counsel contends that further incarceration serves no investigative purpose.

3. On the other hand, the learned State counsel, assisted by the counsel for the complainant, has placed on record the significant developments that have transpired during the trial. It is brought to the notice of this Court that both the complainant and the victim girl, aged 13 years at the time of the incident, have been duly examined by the Trial Court. Most pivotally, the victim has fully supported the prosecution's case in her testimony, categorically narrating the acts of sexual assault and the subsequent blackmailing through the use of obscene videos recorded by the petitioner. The State further points to the Medical Legal Report (MLR) which corroborates the victim's version of penetrative assault and the physical recovery of a sky-blue Oppo mobile phone, which was allegedly used by the petitioner to threaten the minor. Also



the fact that delay in reporting the matter in registration of FIR does not *ipso facto* discredit a minor victim's testimony. The absence of eye witness or definitive evidence of sexual intercourse in the MLR, also does not demolish the case of prosecution which *prima facie* encompasses penetrative sexual assault. Moreover, the medical evidence is corroborative, rather than conclusive.

4. This Court, after carefully examining the rival contentions and the material on record, finds that the seriousness of the offense directly affects social morality and child safety. The petitioner's defence of a "counter-blast" arising due to a family dispute, is a matter of trial and does not outweigh the direct and consistent testimony of the minor victim. The prosecution's case is further supported by the victim's prior examination and statement in the Court. The legislative intent to protect children's interests and impose the severe punishment is clear in cases under Section 6 of POCSO Act.

5. Furthermore, the recovery of independent evidence, such as the hotel entry register and the mobile device, provides a corroboration that elevates this case beyond a simple "he-said-she-said" dispute between families. The victim's age of only 13 years-adds a significant element of vulnerability that the Court cannot ignore. Although the witnesses i.e. victim and mother of victim (PW-1 and PW-2) have been examined, releasing the petitioner at this stage could jeopardize the remaining trial or endanger the safety of the victim and her family, given the history of threats alleged in the FIR.

6. Considering the heinous nature of the allegations, the medical evidence, and the fact that the victim has supported the prosecution version during her court testimony, this Court finds no ground to interfere with the

well-reasoned order of the learned Additional Sessions Judge, Panipat. The petition for grant of regular bail is, therefore, dismissed. It is clarified that any observations made hereinabove are solely for the purpose of deciding this bail petition and shall not come in the way of fair adjudication of the trial.

7. Pending application(s), if any, shall also stand disposed of.

(NEERJA K. KALSON)
JUDGE

19.03.2026
pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No