



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-7165-2026 (O&M)

Reserved on: 02.04.2026

Pronounced on: 06.04.2026

Uploaded on: 06.04.2026

Aarif Rain

...Petitioner

V/S

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. A.V.S. Parmar, Advocate for the petitioner.

Mr. Kshitij Bharati, AAG, Haryana

None for respondent No.2.

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks regular bail in case arising out of FIR No.561 dated 16.12.2024 under Sections 140(3) of BNS, Police Station Dabua, District Faridabad. Charges have been framed under Section 17 of The Protection of Children from Sexual Offences(POCSO) Act, 2012. This is the first petition for regular bail.

2. The case was registered on complaint of 'SY', who reported that his younger sister 'S', aged 15 years, student of Class 5th left for school at around 9 am for maths paper but did not return home till 12:30 PM. On inquiry from the school, the Principal informed that 'S' did not come to school that day. They had been searching for 'S' but could not find her. During investigation, prosecutrix 'S' was recovered on 18.12.2024. Her statement was recorded on the lines that on 15.12.2024', when she was on her way to School, she met

Shehzad, who took her to Yamuna Nagar to watch a movie and made physical relations with her. The next day, on 16.12.2024, her brother 'SY' reached and took her to Faridabad. Subsequently, her statement under Section 183 BNS was recorded by learned JMIC, Faridabad, on 19.12.2024. She stated that in February, 2024, Shehzad met her in the park for the first time and gave her his number. She gave the number to her brother. He also spoke to Shehzad, who threatened her brother. Siddharth called her on Sunday to watch a movie and she went on 16.12.2024. On that pretext, he took her to Yamuna Nagar. After taking her, he molested her body and did wrong act down below. His friend left him halfway. He did it for 20-25 minutes despite her refusal, by threatening her.

3. Learned counsel for the petitioner submits that the offence under Section 4 of the POCSO Act was attributed to co-accused and petitioner was roped in with the aid of Section 17 of POCSO Act, for abetment. He was behind bars w.e.f. 19.12.2024. Prosecutrix had since been examined in the case. Even in her statement before the court, she stated that petitioner returned back half way and did not accompany the main accused to Yamuna Nagar. Petitioner was neither named in the First Information Report nor in statement of the prosecutrix under Section 183 BNS. He was nominated on the basis of disclosure statement of co-accused which was not admissible in evidence. He, thus, prayed that petitioner be enlarged on regular bail.

4. Learned State counsel has opposed the prayer for regular bail arguing that petitioner was actively involved in the offence having abetted the main accused, who sexually assaulted the minor child and considering the seriousness of allegations, he was not entitled to bail.

5. Petitioner is neither named in the FIR nor in statements of the prosecutrix recorded during investigation. His name has cropped in the disclosure statement of co-accused on record as Annexure P-8. The role attributed to him is that on 16.12.2024, he along with the main accused took 'S' from Faridabad to old Railway Station from where petitioner returned. The main accused later took 'S' to Yamuna Nagar where they stayed for a night.

6. Considering the nature and substance of allegations against the petitioner, the role attributed to him, the fact that he is behind bars for the last 01 year and 03 months and that prosecutrix has been examined, it is a fit case to release the petitioner on bail.

7. In the circumstances of the case, but without meaning to express any opinion on merits, the petition is allowed. Petitioner-Aarif Rain, is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 02.04.2026
Pronounced on: 06.04.2026
Kapil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No