

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

211

**CRM-M-10373-2026
Date of Decision: 21.04.2026**

AMIT ALIAS AMIT KUMAR**.....PETITIONER**

Vs.

STATE OF HARYANA**.....RESPONDENT****CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON**

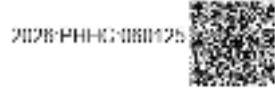
Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

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.376 dated 04.06.2025 (Annexure P-1), under Section 140(3) of BNS, 2023 (Later on Sections 115(2), 127(4), 351(2) of BNS, 2023 and Section 6 & 17 of POCSO Act, 2012 were added), registered at Police Station Palla, District Faridabad, Haryana.

2. The allegations upon the petitioner, as noticed by the Court below, are that the petitioner had allegedly allowed the minor prosecutrix and facilitated her being taken to the co-accused Monu Tomar, who is stated to have committed aggravated penetrative sexual assault upon her. The role attributed to the present petitioner is that of having participated in the occurrence and having abetted the commission of the offence. It is on this premise that the learned trial Court declined the concession of bail, primarily

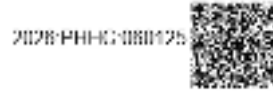


noticing the seriousness of the allegations and the apprehension of witness intimidation.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR and that no fault can be attributed to him. It is submitted that there are no allegations of penetrative sexual assault or even physical molestation against the petitioner. He further submits that the petitioner had no control or oversight over the victim's location or alleged actions. It is also contended that the petitioner was arrested on 08.06.2025, whereas the prosecutrix was recovered on 21.06.2025. Upon recovery, the prosecutrix was medico-legally examined, and there exist irreconcilable contradictions between her statement recorded before the Child Welfare Committee and her subsequent statement recorded under Section 183 of the BNSS. It is further submitted that the investigation stands completed and the charge-sheet dated 10.08.2025 has already been presented before the learned trial Court. The prosecution has cited a total of 28 witnesses, and the conclusion of the trial is likely to take a considerable period of time.

4. Learned State counsel opposes the grant of bail and submits that the allegations against the petitioner are serious in nature, involving a minor victim. It is contended that the petitioner had an active role in facilitating the commission of the offence and had abetted the same. He further submits that in view of the gravity of the offence and the possibility of the petitioner influencing or intimidating the prosecutrix and other witnesses, the petitioner does not deserve the concession of bail.

5. Heard learned counsel for the parties and perused the record.



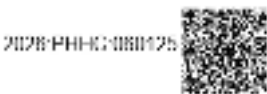
6. This Court finds that the role attributed to the petitioner, even as per the prosecution case, is confined to the allegation of having allowed the prosecutrix and allegedly facilitating her meeting with the co-accused. There is no direct allegation of the petitioner himself having committed any act of sexual assault upon the prosecutrix. The distinction in the nature of the role, though not conclusive at this stage, is nevertheless a relevant consideration while adjudicating a prayer for bail.

7. It is also not in dispute that the petitioner is in custody since 08.06.2025. The investigation stands completed and the challan has been presented. Charges have been framed; however, none of the prosecution witnesses have been examined so far. Thus, the trial is yet to commence in real terms and is likely to take a considerable time to conclude. Continued incarceration of the petitioner for an indefinite period, particularly when the trial has not progressed, would not subserve the ends of justice.

8. The apprehension expressed by the State that the petitioner may influence witnesses or tamper with evidence can be adequately addressed by imposing stringent conditions. No specific material has been brought to the notice of this Court to substantiate that the petitioner has attempted to interfere with the course of justice during the period of investigation or custody.

9. In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, the petitioner is directed to be released on bail.

10. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the



same shall not be construed as an expression of opinion on the merits of the case.

(NEERJA K. KALSON)
JUDGE

21.04.2026
pry

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