



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

107+207

CRM-M-10616-2026 (O&M)

Date of decision: 27.04.2026

Ankit

.....Petitioner

Versus

State of Haryana & Anr

.....Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Krishan Lal Saini, Sr. DAG, Haryana.

AARADHNA SAWHNEY, J (ORAL)**CRM-15548-2026**

Prayer in the instant application is for placing on record statement of PW1 and PW2.

Allowed, as prayed for subject to all just exceptions.

CRM-15547-2026

Prayer in the instant application is for preponing the date of hearing.

Since the main petition is being taken up for hearing today, no orders are required to be passed in the present application and the same is disposed of as having become infructuous.

Main case

1. The present second petition under Section 483 of BNSS seeking regular bail, has been filed by petitioner, an accused in case FIR No.160 dated 13.06.2025 under Sections 137(2),96,61(2) of BNS and Section 12 of POCSO Act, 2012, registered against him at P.S Nigdhu, Karnal.

2. Necessary facts for disposal of the petition are being taken from para 2 of Status report filed by way of affidavit of Satish Kumar, DSP, Indri, Karnal, which read as under:

“I have two boys and two girls. My elder daughter age is 17 years and studied till 11th class, on 12.06.2025, we all family members after dinner slept and my daughter ‘S’ slept with her mother on the kot. In the night when my wife Geera woke up at 12’ O’ clock and



found my daughter 'S' was not found slept there. We have inquired about my relations and everywhere. But has not been found anywhere. I have suspicious that my daughter 'S' has been enticed away by 'U' S/o Poly Wali Bakal, District Kaithal for marriage."

After lodging of the FIR, investigations were initiated during the course of which statements of various prosecution witnesses were recorded. Victim 'S' was recovered from Village Ulwe, New Bombay, Near Divya Patil Stadium on 21.06.2025. She was got medicolegally examined. In the MLR, the Doctor opined as follows:

"Possibility of Sexual Assault can not be ruled out."

Victim was produced before the Illaqa Magistrate on 23.06.2025 and 29.06.2025, for getting her statement under Section 183 of BNSS recorded. In the first statement, she stated that she voluntarily left the house as her father used to beat her. She also maintained that she does not want to reside in her house and that no wrong act has been committed with her. In the second statement, however, she stated that Usha, Vijay and 'U' took her forcibly.

I.O also collected the Birth Certificate of the victim 'S' issued by the Health Department wherein her date of birth is recorded as 12.08.2008. Meaning thereby, she was less than 18 years of age at the time of incident and was minor. Victim 'S' was produced before the Child Welfare Committee, Karnal where she was counselled.

Child in conflict with law namely 'U' was joined in the investigation on 25.06.2025 who confessed to his involvement in the incident and disclosed the name of the present petitioner, who had dropped him (child in conflict in law) and victim at Panipat Railway Station, on his motorcycle bearing No.HR08AF-2903.

Thereafter, on 25.06.2025, the petitioner was arrested and joined in the investigation, who also admitted to his involvement in the incident and got recovered motorcycle, which was taken into possession.

On Culmination of investigation, challan complete in all respect was filed under Sections 137, 363, 61(1),61,96 of BNSS and Section 12 of POCSO Act against the present petitioner. During the course of trial, petitioner was charged under Section 12 of the POCSO Act, 137(2) and 96 of BNSS.



The first petition filed by petitioner seeking similar relief was dismissed by this Court vide order dated 19.11.2025 passed in CRM-52928-2025.

3. Learned counsel for the petitioner contends that petitioner, a young boy, aged 20 years, with clean past antecedents has been falsely implicated in the present case. He was not named in the FIR, wherein the complainant (father of the victim) alleged that his minor daughter had been enticed by co-accused 'U' by extending a false promise of marriage. Name of petitioner cropped up in the disclosure statement of co-accused 'U', who is alleged to have enticed victim 'S' and had given lift to both her and 'U' on his motorcycle. Said 'U' has already been extended the concession of bail. Further the falsity of the case set up by prosecution is apparent from the fact that the victim 'S' refused to undergo medical examination. Even in her statement recorded under Section 183 of BNSS, she had stated that she had voluntarily left her parental house and that no wrong had been committed with her.

Reply filed by way of affidavit of Satish Kumar, DSP, Indri, Karnal on behalf of respondent-State is taken on record.

Learned counsel next contends that since the dismissal of the first petition seeking the relief of bail from this Court vide order dated 19.11.2025, victim 'S' stepped in the witness box as PW1 and did not support the stand of the prosecution. Rather in her testimony, she deposed that the criminal proceedings were got lodged by her father under some mistaken impression. She also refused to identify the present petitioner in the Court. Even her father i.e complainant of the present case while appearing as PW2, resiled from his earlier statement given to the police Authorities. Despite the fact that both the witnesses were declared 'Hostile' on the request of learned PP and were subjected to rigorous cross examination, nothing fruitful to the case of prosecution could be elicited from them.

In the light of the changed circumstance, learned counsel contends that the petitioner who has been in custody since 25.06.2025 deserves a lenient view to be taken in his favour, moreso when the possibility of completion of trial in near future is quite remote as still 13 witnesses remain to be examined. In the light of submissions advanced hereinabove, further incarceration of petitioner would not serve any useful purpose as the same would be violative of



his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “Bail is a general rule and incarceration is an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

4. *Per contra*, while opposing the request for grant of bail, learned State counsel contended that petitioner played a crucial role in the entire incident as he enticed the minor girl to leave her parental home and helped both her and co-accused ‘U’ in dropping them to Railway Station, Panipat on his motorcycle from where they boarded a train for Mumbai. In the light of seriousness and gravity of offence, no case for grant of bail is made out. Dismissal of the petition has been prayed for.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. In view of submissions advanced by learned counsel for the petitioner, but without expressing any opinion on the merits of the case lest it may prejudice the trial, and considering the fact that two most important prosecution witnesses i.e victim and the complainant have already been examined, this Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “Bail is a general rule and incarceration is an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

7. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.

(ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

(iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.



(iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

(v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vi) The petitioner shall not in any manner misuse his liberty.

(vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

27.04.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No