



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

214

CRM-M-13828-2026

Date of Decision:18.03.2026

SUKHWINDER DASS @ GANJA**.....PETITIONER****Vs.****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON**

Present:- Mr. Navraj Singh, Advocate for the petitioner.

Mr. Ravneet Singh Lekhi, AAG, Punjab.

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. 96 dated 23.07.2025, under Sections 75, 76 BNS, 2023 (Sections 354-A, 354-B) and Section 8 of POCSO Act, 2012, registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar (Annexure P-1).

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“xxxxxx, wife of xxxxxx, resident of Ravidas Mohalla, Rattowal, Police Station Kathgarh, District Shaheed Bhagat Singh Nagar, do hereby state that I am a housewife. I have children. My daughter, xxxxxx, date of birth 15-01-2013, is 12 years old and studies in the 8th class at Government Senior Secondary School, Tawang On 18-07-2025, at around 5:00 PM, my daughter xxxxxx had gone to the house of her uncle (husband's younger brother), Amandeep Kumar, in village Badevan to meet them. At that time, I was alone at home. My other daughter,



xxxxx [?], was very worried and scared. My brother-in-law, Amandeep Kumar, told me that when xxxxx came to the house at around 5:00 PM, he had gone into the village for some personal work. When he returned after finishing his work and entered the house, he saw that Sukhwinder Das @ Ganja, son of Parsotam Lal, resident of Ravidas Mohalla, near Dr. Ambedkar Park, Rattowal, PS Kathgarh, had entered the room in the house. He had placed his hand on xxxxx mouth, was tearing her clothes, and was forcibly committing wrongful acts with her. When I (Amandeep) saw him doing this, I shouted at him. Sukhwinder Das pushed xxxxx aside. Seeing me arrive at the scene, Sukhwinder fled. He pushed me as well and ran away. When I asked my daughter xxxxx about what my brother-in-law Amandeep Kumar had told me, she confirmed that whatever Uncle (Chacha Ji) Amandeep Kumar was saying was absolutely correct. She said that when she reached her uncle's house, there was no one there at that time. Suddenly, Sukhwinder Das (the aforementioned) entered the house. Seeing her alone, he tore off her clothes and started committing wrongful acts with her. Seeing Chacha Ji arrive at the scene, he fled. After discussing the matter within the family, today I, along with my husband xxxxx and my daughter xxxxx, have come to the police station.”

3. Learned counsel for the petitioner submits that the petitioner is a young boy of 23 years and is suffering incarceration since 07 months 20 days. Learned counsel further contends that during trial, the complainant, father of victim and the victim herself while appearing as PW-1, PW-2, PW-3 did not support the prosecution case and turned hostile which proves that the petitioner has been falsely implicated in the present case. The main eye-witness of the incident, Amandeep Kumar (Uncle of prosecutrix) also turned hostile while appearing as PW-3. He submits that the medical evidence does not support the allegations in the present case as the samples collected during investigation did not show any internal or external injury.

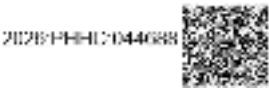


4. Per contra, learned State counsel has filed custody certificate dated 17.03.2026, which is taken on record. He submits that the allegation against the petitioner are grave in nature, involving child of tender age. He further submits that the petitioner was caught red-handed by the uncle of prosecutrix while committing indecent acts with her which was corroborated by the statement of minor victim wherein she specifically named the petitioner.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. In the present case, out of the total 13 prosecution witnesses, 5 witnesses have already been examined. It is true that these witnesses, including the complainant-mother of the victim, the father of the victim, the uncle of the victim and even the victim herself, have turned hostile during the course of trial. However, the circumstances emerging from the record require careful consideration. During the course of cross-examination, the victim stated that her parents, chacha and other relatives maintain cordial relations with the accused and his parents. The record further reveals that during her testimony the victim suddenly started weeping, whereafter the cross-examination had to be deferred for some time and she was taken to another room along with her mother, after which her testimony was resumed and recorded.

7. Significantly, the victim in the present case is a minor girl aged about 12 years, and keeping in view her tender age, the possibility of emotional, familial or societal pressure operating upon her cannot be ruled out. When these circumstances are viewed collectively, particularly the fact that all the close family members of the victim have resiled from their earlier



statements, it gives rise to a reasonable apprehension that the prosecution witnesses may have been subjected to influence or persuasion.

8. In such circumstances, merely because certain witnesses have turned hostile cannot be treated as a circumstance favourable to the accused for the purpose of grant of bail. Rather, the possibility of further influence upon the remaining witnesses and interference with the fair course of trial cannot be ruled out if the accused is released on bail at this stage.

9. Therefore, considering the tender age of the victim, the nature of allegations and the surrounding circumstances emerging from the evidence recorded so far, this Court does not find it appropriate to extend the concession of bail to the accused at this stage. Consequently, the present bail application stands dismissed.

(NEERJA K. KALSON)
JUDGE

18.03.2026

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