



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

Criminal Revision No. 852 of 2026 (O&M)
Date of Decision: 12.5.2026

Axxxx

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Mohit Khatkar, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. By way of the present revision petition, the petitioner has challenged the order dated 12.2.2026, passed by the learned Additional Sessions Judge, Kaithal whereby the appeal filed by him against the order dated 22.1.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Kaithal, dismissing the bail application of the petitioner in FIR No. 142 dated 27.8.2025 under Section 65(1) of BNS and Section 6 of the POCSO Act, 2012, registered at Police Station Titram, District Kaithal, has been dismissed.

2. Brief facts of the present case are that on 27.08.2025 an information was received in Police Station from Govt. Hospital, Kaithal regarding pregnancy of a minor girl Rxxx, whereafter the police party reached there. After obtaining the medical information, the statement of victim Rxxx was recorded in presence of her grand mother and a Legal Aid Counsel, wherein she stated that the son of her step-father (who he had from



said statement, the present FIR was registered against the petitioner.

3. Learned counsel for the petitioner *inter alia* submits that the impugned order dated 12.02.2026 passed by the learned Additional Sessions Judge, Kaithal, affirming the order dated 22.01.2026 passed by the learned Juvenile Justice Board, Kaithal, is illegal and contrary to the settled principles governing grant of bail to a juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The petitioner, aged 15 years and a student of 10th class, is related to the prosecutrix and has been falsely implicated in the present FIR, which is motivated and tainted with malafide. It is submitted that there is no material on record including medical or forensic evidence to substantiate the even otherwise sweeping and omnibus allegations leveled against the petitioner. Moreover, even the material witnesses i.e. the complainant and the prosecutrix, who have been examined before the learned trial Court, did not support the prosecution case and have turned hostile. Reliance in this regard has been placed on their respective depositions (Annexures P-2 and P-3). It is submitted that this fact has been overlooked at the time of passing of the impugned orders, findings recorded wherein are based merely on conjectures and surmises. He further submits that the petitioner has undergone an actual custody of 08 months and 10 days and has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 08 months and 10 days. The learned State counsel, on instructions from the



were framed on 18.12.2025 and out of total 19 prosecution witnesses, 10 have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the evidence, must take into consideration the nature of the offence, severity of the punishment and *prima facie*, the involvement of the accused and the material on record, including the statements of the material witnesses.

7. Before proceeding, a gainful reference can be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be



deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 18.12.2025. Yet, only 10 out of 19 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 08 months and 10 days . It is also not disputed that he has no criminal antecedents and is not involved in any other case.

9. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his/her absconding or influencing the course of justice.

10. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk, that his release would impede the fair conduct of the trial, or that he would be exposed to moral, physiological or physical danger. Moreover, it is noted that the material witnesses during the course of their examination before the trial Court, did not support the prosecution version and have been declared hostile. While it is settled that the probative value of such testimony is a matter for appreciation at the stage of final adjudication of the case, yet, even while refraining from entering into any conclusive evaluation thereof, this factum cannot be completely overlooked. Therefore, upon taking into account all the considerations stated



lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22***.

11. Accordingly, the present revision petition is allowed. The impugned orders dated 12.02.2026 and 22.01.2026 are set aside. To ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any



inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

12. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

13. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

14. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 12th, 2026
Gurpreet Singh

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