



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRA-S-1196-2026

Date of Decision: 19.05.2026

ROHAN

....Appellant

VERSUS

STATE OF HARYANA AND ANOTHER

....Respondent(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Mr. Balwinder Sangwan, Advocate for the appellant.

Mr. Sunil Ranga, DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present appeal has been filed *inter alia* for setting aside the order dated 16.03.2026 passed by learned Additional Sessions Judge, Faridabad in FIR No.243 dated 25.08.2025 under Sections 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 506, 34 of IPC) and Section 6 of Protection of Children from Sexual Offences Act, 2012 (Section 3(5) of Bharatiya Nyaya Sanhita, 2023 deleted later and Sections 4, 17 of Protection of Children from Sexual Offences Act, 2012, Section 3(1)(w)(ii) and Section 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later) registered at Police Station Adarsh Nagar, Faridabad as well as for granting the concession of regular bail to the appellant, who is a 20 years old boy and has been entangled in the present FIR.

2. Learned counsel for the appellant fairly submits that despite best efforts the whereabouts of the victim are not known. As regards FIR No. 200 dated 20.09.2025, the same was registered under Section 140(3) of



BNS; however, no substantial progress has been made therein and an untraced report has already been filed by the authorities. Learned counsel for the appellant reiterates his contention that there are material contradictions in the statements of the victim. Learned counsel submits that admittedly, the victim was in a relationship with one Sajid, who happens to be a friend of the appellant. He further submits that the appellant is a young boy aged about 19 to 20 years, has remained in custody for the last 08 months and 22 days, and no other criminal case has been registered against him. Learned counsel has also raised the contention that there is an inordinate delay of three days in lodging the FIR moreover since the victim herself is not coming forward to depose and is rather absconding, the apprehension expressed by the State that the appellant may intimidate or tamper with the witnesses is wholly unfounded.

3. *Per contra*, learned State counsel opposes the appeal and maintains that the victim was merely 13 years of age at the relevant time and that the allegations are serious in nature, involving the sexual violation of a minor.

4. Learned State counsel has filed status report by way of affidavit of Ashok Kumar, HPS, Assistant Commissioner of Police, Tigaon, Faridabad on behalf of respondent-State along with custody certificate, which are taken on record. As per custody certificate, appellant is in custody for last 08 months and 22 days.

5. Heard learned counsel for the parties at length and have gone through the record carefully.



6. Considering the fact and circumstances of the case, particularly the victim herself is absconding from the process of law and that the MLR also does not demonstrate any external injury coupled with the fact that there is an unexplained inordinate delay in lodging the FIR, the appellant is in custody for last 08 months 22 days and is a young boy of 20 years, moreso, the trial is likely to take considerable time, therefore, no useful purpose would be served by keeping the appellant in custody. Accordingly, the appellant is held entitled to the concession of regular bail.

7. In light of above, without commenting upon the merits of the case, the present appeal stands allowed and the appellant is ordered to be released on bail, if not required in any other case, on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. The appellant shall, however, be released on the following conditions:

- i. The appellant shall declare his ordinary place of residence and the mobile number used by him.
- ii. The appellant will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The appellant will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The appellant will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the appellant does not possess a passport, then he shall file an undertaking to the said effect before being released.



The appellant shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.

9. It is further made clear that, in case, the appellant is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

10. Pending application(s), if any, shall stand disposed of.

(ALOK JAIN)
JUDGE

19.05.2026
Deepak Patwal

- | | | |
|----|---------------------------|--------|
| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |