



CRM-M-18258-2026(O&M)

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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

215 CRM-M-18258-2026(O&M)
Date of decision: 30.04.2026
Kuldeep

...Petitioner

V/S

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Arun Kumar Sharma, Advocate
for the petitioner.
Mr. Kshitij Bharati, AAG, Haryana.
Mr. Vikas Kumar Sharma, Advocate for respondent No.2.
Mr. Ashok K. Sharma, Advocate for respondent No.3.

SHALINI SINGH NAGPAL, J.

CRM-17104-2026

An application under Section 528 of Bhartiya Nagarik
Suraksha Sanhita, 2023 has been filed to implead the
victim/complainant.

Notice in the application.

Mr. Kshitij Bharati, AAG, Haryana, accepts notice on
behalf of respondent No.1-State.

The application is allowed in terms of order dated
10.04.2026. Amended memo of parties is taken on record. Registry is
directed to append it at the appropriate place.



Mr. Vikas Kumar Sharma, Advocate has put in appearance on behalf of respondent No.2 and filed his Vakalatnama in Court today, which is taken on record. Mr. Ashok K. Sharma, Advocate, puts in appearance on behalf of respondent No.3.

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Petitioner seeks regular bail in case arising out of FIR No.218 dated 10.07.2024 under Section 140(3) of Bharatiya Nyaya Sanhita, 2023 and Section 6 of Protection of Children from Sexual Offences Act, 2012, Police Station Kunjpura, District Karnal. Offences under Sections 137, 249(a), 61, 64, 64(2)(m) and 96 BNS were added in the FIR during investigation. This is the first petition for regular bail.

Case was registered on complaint of father of the prosecutrix who reported that his daughter 'A' aged 16 years did not return home from school. Subsequently, prosecutrix was recovered and her statement under Section 183 of BNS was recorded. She stated that petitioner was her friend and at 8:00 A.M., she had gone to a Cafe at Karnal with him. Petitioner got a call from Savan at 1.30 PM, who warned him that her family members would come to know, upon which she told the petitioner that she wanted to go home. She stated that petitioner had taken her away to Sonipat and the next day, she went from Sonipat to Delhi where they stayed upto 16.07.2024.

Learned counsel for the petitioner submits that petitioner was behind bars w.e.f. 20.09.2024. His antecedents were clean and there was no other case registered against him. He submits that there



was nothing in the statement of the prosecutrix under Section 183 of BNS that she was sexually violated by the petitioner. Out of 19 prosecution witnesses, 5 had been examined including the prosecutrix. During the course of trial prosecutrix did not support prosecution case and was declared hostile. He prayed that petitioner be enlarged on regular bail

Learned State counsel has opposed the prayer for regular bail, submitting that in her statement before the Child Welfare Committee, prosecutrix alleged that petitioner committed aggravated penetrative sexual assault on her person, on which offence under Section 6 of POCSO Act was invoked. He, however, does not dispute that prosecutrix has been examined during the course of trial and had resiled from prosecution case.

Learned counsels for respondents No.2 and 3 have no objection to grant of bail to the petitioner.

Petitioner is behind bars w.e.f. 20.09.2024. His antecedents are clean and he is not stated to be involved in any other case. Investigation of the case is complete. Prosecutrix has been examined, therefore, there is no prospect of the petitioner influencing her. Trial to conclude will take long. There is no reason to suspect that the petitioner would obstruct the course of justice or evade the process of law. Considering the period of incarceration and all relevant facts and circumstances of the case, but without commenting on merits, petitioner is ordered to be released on regular bail subject to his



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furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

30.04.2026
Kapil

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