

CRM-M-20581 of 2026(O&M)

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

2026:PHHC:079132



213

CRM-M-20581 of 2026(O&M)

Reserved on: 19.05.2026

Pronounced on:20.05.2026

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Vijender**..Petitioner****Versus****State of Haryana and another****..Respondents****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Damanjeet Singh Batalvi, Advocate and
Mr. Saurabh Kaushik, Advocate for the petitioner.

Mr. Kshitij Bharti, AAG Haryana.

Mr. Gurmandeep Singh Majithia, Advocate
for respondent No.2/complainant.

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks regular bail in case vide FIR No. 395 dated 10.11.2025 under Section 65(1) of BNS and 6 of POCSO Act Police Station Tosham, District Bhiwani. This is the first petition for regular bail.

2. Raghbir Singh, Principal of G.K.G.B.V. School, where prosecutrix was a student reported that 'J', a student of class 7th had given a written complaint that she was being physically exploited by her father since long. Wrong things were being done with her since she was in class 5th. On the complaint, counselling was done by female Teachers of the School. Counselling report of the Teachers was enclosed. Legal action was prayed for.

CRM-M-20581 of 2026(O&M)

3. Learned counsel for the petitioner submits that petitioner had been falsely implicated. There was unexplained delay of 2 years in lodging the FIR. During trial of the case, the victim had been examined and did not support prosecution case. Rather, she stated that allegations against the petitioner were false and she made a false complaint to the Principal at the instance of her seniors as her father scolded her for not studying. There was no medical or scientific evidence to support the allegations levelled. Petitioner was in judicial custody for the last about 5 months. Material witnesses stood examined and further incarceration of the petitioner would not serve any purpose. Thus, petitioner was entitled to regular bail.

4. Learned State counsel has filed status report in the form of affidavit of Dalip Singh HPS, Deputy Superintendent of Police, Tosham, District Bhiwani and opposed the prayer for regular bail submitting that during investigation, statement of the victim was recorded under Section 183 BNSS wherein she alleged penetrative sexual assault by her father under threats to kill whenever she went home from Hostel. It was argued that there was possibility of pressure exerted upon the victim, who did not support prosecution case. Considering the relationship of the petitioner and the victim and gravity of offence, petitioner was not entitled to bail.

5. Learned counsel for respondent No.2 has put in appearance and has no objection to grant of bail.

6. Appreciation of evidence led by the prosecution is to be done by the trial Court at final stage of the case. Prosecutrix is a child aged 12 years. The complaint on the basis of which FIR was lodged was made by Principal of the school where she was studying in class 7th. She made

CRM-M-20581 of 2026(O&M)

statement before the Counsellor and before the Magistrate that she was being sexually assaulted by her father for the last 2 years since she was in class 5th and he also committed penetrative sexual assault against her will, under threat. Clean antecedents of the petitioner or the period of custody alone cannot be a ground to extend the concession of bail. The allegations of sexual assaulting his own child are grave and heinous. Possibility of the petitioner repeating the offence, once released on bail and influencing other witnesses cannot be ruled out. The petition is, therefore, declined.

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

(SHALINI SINGH NAGPAL)
JUDGE

20.05.2026

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Whether speaking/reasoned : Yes

Whether reportable : No