



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

(214)

CRM-M-22699-2026 (O&M)

Date of Decision: 29.04.2026

ASHISH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dushyant Rana, Advocate (Legal Aid counsel) and
Ms. Sanchita Jain, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.81 dated 19.06.2025 under Section 6 of the POCSO Act, 65(1), 96, 126, 137, 70(1) and 3(5) of BNS (corresponding Sections 376, 366, 339, 359, 376D, 34 and 120-B IPC), registered at Police Station GRP, Hisar.

2. The translated version of the FIR is reproduced below:-

“To, SHO, Women Police Station, Jhajjar, I am Ramavatar Rishi, S/O Suraj Rishi R/O Chih Udaynagar place Chanka City, Shrinagar District Puriniya Shrinagar, Bihar at present Village Chang, District Bhiwani, Haryana. I have 5 children. My youngest daughter xxxxxx lives with us in Chang, the rest of the children live in Bihar. On 14/06/2025, I, my wife and my daughter had come to Bhiwani city. We were near Bhiwani railway station, when my daughter went away to drink water, whom we did not find back, about which I informed the police station of the nearby railway station. Today, on 19/06/2025, I received a telephone call from Jogendra, husband of Sarpanch Babra, that your daughter was brought here to our house by Ransingh S/O Jagmal and his wife. On this information, I and my wife reached the house of the Sarpanch of village Babra. Upon reaching there, I and my wife inquired, then my daughter xxxxx told us that on 14/06/2025, when I had gone to Bhiwani to drink water, Ashish S/O Ransingh, Babra and another boy blocked my way with a motorcycle and forcibly made me sit on their motorcycle and drove away by covering my mouth. Ashish



took me to some fields and forcibly did wrong things with me. From that day onwards, he kept taking me to different places and kept doing wrong things every day. My daughter xxxx is 14 years old. Legal action should be taken against Ashish and the other boy and we should be given justice."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case on the statement made by the father of the prosecutrix. It is submitted that there are material contradictions in the statement of the prosecutrix, inasmuch as she has given different versions regarding the manner in which she was taken by the accused. Even otherwise, there is a delay of 5 days from the alleged occurrence, in registration of the FIR. It has also been emphasized that the co-accused has been granted concession of regular bail by this Court vide order dated 26.02.2026 in passed in CRM-M-63761-2025. The petitioner is in custody since 23.06.2025. There is no other case registered against the petitioner.

4. Per contra, learned State counsel has opposed the present petition on the ground that the allegations against the petitioner are grave and serious in nature. It is submitted that the petitioner in connivance with the co-accused, abducted the minor victim, aged about 14 years at the time, and thereafter, repeatedly raped her. The petitioner has undergone an actual custody of about 10 months. He further submits that the charges have been framed on 28.07.2025 and out of total 29 prosecution witnesses, 27 have been examined. He submits that in view of the serious allegations against the petitioner, he does not deserve to be granted the concession of regular bail. Furthermore, the present petitioner is not at parity with the co-accused who has been granted the concession of regular bail, since allegations qua



commission of repeated sexual assault were levelled only against the present petitioner, and not against the co-accused.

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

6. The POCSO Act, 2012 is a special legislation enacted with a clear and stringent legislative intent to protect children from sexual exploitation and abuse, and to ensure a robust deterrent framework.

7. In the present case, charges have been framed in relation to offence under Section 6 of the POCSO Act, an offence which strikes at the very core of bodily integrity and dignity of a child. The same attracts the provisions of Section 29 of the said Act, the bare language of which speaks about the adverse presumption to be drawn against a person prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of the Act unless the contrary is proved, thereby raising the threshold of satisfaction required. 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 and gravity of the alleged offence, severity of the punishment and *prima facie*, the involvement of the accused and the material on record.

8. Reverting to the case in hand, specific allegations regarding the commission of grave and heinous offences involving abduction and commission of aggravated penetrative sexual assault upon the minor prosecutrix, stated to be 14 years of age at the time, have been levelled against the 31 year old petitioner. The prosecutrix and the complainant have



prima facie establish the commission of the alleged offences by the petitioner.

9. Accordingly, in the totality of the facts and circumstances, this Court does not deem it appropriate to extend the concession of regular bail to the petitioner. Therefore, the instant petition stands dismissed.

10. Nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Pending miscellaneous application(s), if any, also stand disposed of.

(KIRTI SINGH)
JUDGE

April 29, 2026
SwarnjitS

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