



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-22010-2026 (O&M)
Date of Decision: 06.05.2026

Azad Kumar

....Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present : Mr. Munish Behl, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

Mr. Parveen Sharma, Advocate
for the victim.

NEERJA K. KALSON, J. (Oral)

1. The present petition has been filed under Section 483 BNSS seeking grant of regular bail in FIR No. 1071 dated 15.12.2023, registered under Section 365 of the IPC (later Section 365 IPC was deleted and Sections 363 and 366 IPC were added) and Section 6 of the POCSO Act, at Police Station Sector 58, District Faridabad.

2. Learned counsel for the petitioner submits that there was an inordinate delay in registration of the FIR, as the prosecutrix allegedly went missing on 11.12.2023, whereas the FIR was registered on 15.12.2023 after a delay of about four days without any satisfactory explanation. It is further submitted that the petitioner has been falsely implicated in the present case and that the prosecutrix voluntarily solemnized marriage with the petitioner



in December 2023 and lived with him out of her own free will for a considerable period, indicating a consensual relationship.

3. It is further submitted that the prosecutrix again voluntarily resumed cohabitation with the petitioner and was subsequently recovered by the police on 04.02.2025, on which date the petitioner was arrested. It is stated that a male child was born out of the said relationship on 29.10.2025 and that the prosecutrix, in her deposition before the learned trial Court, has not supported the prosecution case and has stated that no offence was committed by the petitioner. The complainant/father of the prosecutrix has also not supported the prosecution case. It is further stated that the medical evidence is inconclusive and does not indicate any injury or signs of force.

4. Learned counsel finally submits that the petitioner has been in custody since 04.02.2025 and the challan has already been presented on 09.03.2025. It is further submitted that the complainant as well as the prosecutrix have been examined and have not supported the prosecution case. The prosecution has cited 30 witnesses, and the trial is likely to take a considerable time to conclude. In these circumstances, the learned counsel for the petitioner prays that the petitioner be released on regular bail.

5. The complainant has appeared through counsel and the victim has appeared in person and submitted that they have no objection to the grant of bail to the present petitioner.

6. Learned counsel for the State opposes the present bail petition and submits that in the event the petitioner/accused is released on bail, there



is every likelihood that he may intimidate or influence the witnesses and may also hamper the fair course of trial. It is further submitted that there is a reasonable apprehension that the petitioner may tamper with the evidence and may abscond in order to evade the trial. It is also contended that the petitioner is involved in a serious and heinous offence and, therefore, does not deserve the concession of bail.

7. I have heard the learned counsel for the parties and have carefully perused the record.

8. This Court finds that the petitioner has been in custody since 04.02.2025 and the challan has already been presented on 09.03.2025. It is further noted that the complainant as well as the prosecutrix have been examined before the trial Court and have not supported the prosecution case. The prosecution has cited 30 witnesses, and the trial is likely to take a considerable time to conclude.

9. This Court further finds that the complainant has appeared through counsel and the victim has appeared in person and has submitted that they have no objection to the grant of bail to the present petitioner.

10. Without commenting any opinion on the merits of the case and keeping in view the totality of the facts and circumstances, particularly the prolonged custody of the petitioner since 04.02.2025, the filing of the challan, the examination of the material witnesses i.e. the prosecutrix and the complainant who have not supported the prosecution case, the absence of any objection from the complainant and the victim to the grant of bail, this



Court is of the considered opinion that further incarceration of the petitioner is not justified.

- 11. Accordingly, the present petition is allowed.
- 12. Consequently, the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned.
- 13. Nothing stated hereinabove shall be construed as an expression on the merits of the case..
- 14. Pending application(s), if any, stands disposed of.

06.05.2026
Atul

(NEERJA K. KALSON)
JUDGE

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