



CRM-M-23036 of 2026

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

CRM-M-23036 of 2026

Date of decision : May 13, 2026

Rajbir @ Anurag

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr. Kushager Goyal, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG., Haryana.

ALOK JAIN, J (Oral)

1. The present petition has been filed under Section 483 of the B.N.S.S. for grant of regular bail to the petitioner in case bearing FIR No. 638 dated 15.09.2024, under Sections 137 & 96 of the B.N.S. 2023 (Section 351(2), 64 (2) (iii), 65 (1), 127 (4), 332 (b) of BNS and Sections 6 and 12 of POCSO Act, 2012 registered at Police Station Rania, District Sirsa, Haryana.

2. Learned counsel for the petitioner submits that there is serious issue as to whether the authorities are bound to conduct some basic preliminary investigation in cases where the parties i.e. the victim and the accused are apparently in a adolescence relationship. In the present case the petitioner happens to be a young boy of 18 years and the victim is a minor aged about 16 years. Admittedly the victim left her house on 12.09.2024 and did not return home however an FIR

was lodged after three days on 15.09.2024 wherein it is alleged that in a CCTV footage, the victim has been seen going with petitioner. It was not a case that there was any force used upon the victim to accompany the petitioner. In fact, learned counsel submits that the victim herself travelled with the petitioner to various places. Thereafter, the victim was recovered on 25.09.2024 and the petitioner has also been arrested, who is in custody since 28.09.2024.

3. Learned counsel for the petitioner vehemently pointed out that in the statement under Section 164 Cr.P.C. the victim changed her stand and falsely implicated the petitioner by alleging that he used to blackmail her with the threat to upload her photographs and had forced her to accompany him. Learned counsel further submits that the victim while getting her medical examination on 27.09.2024 got her statement recorded that she was violated twice i.e. on 12.09.2024 and 13.09.2024 by the petitioner and it was also recorded that the petitioner's parents brought her back on 24.09.2024.

4. In the backdrop of the above facts, learned counsel for the petitioner submits that a young boy is put behind the bars. Moreover, from the past almost two years neither the victim nor the complainant has come forward to get their testimony recorded in the trial. Learned counsel vehemently submits that the DNA reports also do not support the allegations levelled against the petitioner and to the utter surprise, the complainant who happens to be mother of the victim enters into a compromise with the petitioner, wherein it is specifically recorded in paragraph 5 that the complainant has made enquiry at her own level

and has also reached to a conclusion that the petitioner-Rajbir is not at fault or guilty in any manner in the present case. However, despite such a situation, the learned trial court declined the grant of regular bail to the petitioner only on the ground that the testimony of the victim is yet to be recorded and the petitioner could threaten the victim.

5. At this stage, learned State counsel has filed the custody certificate and the same is taken on record. Further learned State counsel could not deny the fact that there is a delay of three days in lodging of the FIR and there is nothing adverse in the FSL report.

6. Heard learned counsel for the parties at length.

7. The present matter raises serious concern as the petitioner being a young boy of 18 years has clean antecedents, who is not involved in any other case, has been implicated without any cogent evidence. Moreover, the matter has been subsequently compromised between the parties wherein the victim is not even a signatory to the compromise.

8. Therefore, considering the fact that it is a prima facie case of adolescence love which has gone into rough weather due to which a young boy cannot be kept in custody, especially in light of the fact that the victim and complainant are procrastinating the trial purposefully for the last almost more than one year.

9. In light of the above coupled with the fact that the petitioner is in custody since 1 year 07 months and 13 days and the trial is likely to take time, no useful purpose would be served by

keeping the petitioner in custody, hence, the petitioner is entitled to the grant of concession of regular bail and the state is directed to take appropriate steps not only against the complainant but also look into the aspect that the investigation officers are given some orientation courses or some standard operating procedures are evolved so that young children are not put behind bars while abusing the process of law.

10. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail, if not required in any other case, subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ❖ The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ❖ He 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.
- ❖ He 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.
- ❖ He 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 petitioner does not possess a valid passport, then he shall file an undertaking to the said effect

before being released.

11. The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.
12. 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.
13. It is made clear that, in case, the petitioner 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 the condition(s) of bail.

May 13, 2026
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No