



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

213

CRM-M-24448-2026 (O&M)

Date of Decision: 27.05.2026

JOGINDER @ JOGINDER KUMAR

....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

....Respondent(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Mr. Nagar Singh, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Haryana.

Mr. Sanjeev Kumar Sharma, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 439 of Cr.P.C.) praying for grant of regular bail to the petitioner in case FIR No.04 dated 02.01.2025, under Section 4 of Protection of Children from Sexual Offences Act, 2012 and Sections 351(3), 65(1) of BNS, 2023 (Sections 506, 376(3) of IPC), registered at Police Station Nissing, District Karnal.

2. Learned counsel for the petitioner submits that all the allegations levelled in the FIR are false and incorrect and, in fact, both the prosecutrix and the victim have turned hostile.

3. Learned State counsel has also filed the custody certificate, which is taken on record, as per which, the petitioner has been in custody for the last 01 year 04 months and 23 days.



4. Vide order dated 06.05.2026, learned State counsel was directed to file the status report along with the DNA report at the earliest. However, learned State counsel has filed the status report by way of an affidavit of Sandeep Kumar, HPS, Deputy Superintendent of Police, Headquarters, Karnal, on behalf of the respondent-State in Court today, along with the custody certificate, which are taken on record. However, the DNA report is still awaited.

5. At this stage, learned counsel for the petitioner has volunteered that the petitioner may be granted the concession of regular bail subject to an undertaking that, in case the DNA report goes against him and supports the allegations, he shall surrender immediately thereafter. However, his concession of bail should not be disturbed in case the DNA report supports his innocence.

6. Heard learned counsel for the parties at length and have gone through the record carefully.

7. In view of above and considering the fact that petitioner is in custody for last 01 year 04 months and 23 days coupled with the facts that prosecutrix and victim have turned hostile and the trial is likely to take considerable time, therefore, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petitioner is held entitled to the concession of regular bail.

8. In light of above, without commenting upon the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on **conditional** bail, if not required in any other case, on



furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned till the DNA report is submitted. In case the DNA report is adverse to the petitioner, he shall surrender immediately. However, if the DNA report does not support the allegations made by the complainant, appropriate action may also be considered against the complainant for lodging the present FIR. The petitioner shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner 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.
- iii. The petitioner 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.
- iv. The petitioner 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 passport, then he shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

9. 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.

10. It is further 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 conditions of bail.

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

(ALOK JAIN)
JUDGE

27.05.2026
Deepak Patwal

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |