



CRM-M-23950-2026

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

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CRM-M-23950-2026

Date of Decision : 27.05.2026

AJIT KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Pinki Mehla, Advocate
for the petitioner.

Mr. Birender Bikram Attrey, Addl. AG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, who has been summoned under Section 319 Cr.PC (Section 358 of BNSS) vide order dated 01.04.2026 passed by learned Addl. Sessions Judge, Special Court, Kaithal to face trial as an additional accused in case FIR No.82 dated 05.04.2025 under Sections 123,64(2)(m),65(1) of BNS and Sections 6 & 17 of POCSO Act at P.S City Kaithal, has filed present petition under Section 528 of BNSS seeking relief of pre-arrest bail.

2. Status Report dated 23.05.2026 by way of affidavit of Mr. Bir Bhan, Deputy Superintendent of Police, Kaithal, has been filed on behalf of the respondent-State, which is taken on record. In para 12 thereof, the factum of petitioner having joined the case has been mentioned. In para 13 of the said report, it has also been pointed out that past antecedents of the petitioner are quite clean in the sense that he is not involved in any other criminal case except the present case.

3. On 29.04.2026, following order was passed.

“Petitioner, who has been summoned under Section 319 Cr.PC (Section 358 of BNSS) vide order dated 01.04.2026 passed by learned Addl. Sessions Judge, Special Court, Kaithal to face trial as an additional accused in case FIR No.82 dated 05.04.2025 under Sections 123,64(2)(m),65(1) of BNS and Sections 6 & 17 of POCSO Act at P.S City Kaithal, has filed present petition under Section 528 of BNSS seeking relief of pre-arrest bail.

Learned counsel for the petitioner contends that criminal proceedings in the present case were initiated on the basis of written complaint lodged by mother of the victim, who alleged that her minor daughter was sexually exploited by petitioner and two others. During the course of investigation, statement of victim was recorded who alleged that on 22.03.2025, she was sexually exploited by the petitioner and others at a hotel in Kaithal. Despite the fact that victim narrated the entire incident to her mother on the same day, however, for the reasons best known, criminal proceedings vide FIR were initiated after a period of 12 days. This unexplained delay suggests that facts have been twisted and colored version has been portrayed.

It is further submission of learned counsel that the Police Authorities thoroughly investigated the matter and based on the statement of witnesses and other documents including call detail record and hotel entry register etc, did not find any incriminating material against the present petitioner who also willingly gave his blood sample. Even the FSL report supports the pleas of petitioner as regards his false implication. Learned counsel has also referred to an affidavit dated 06.05.2025 (Annexure P.4) said to have been executed by mother of the victim, wherein she deposed that inadvertently name of the present petitioner was mentioned as one of the persons, who had raped her minor daughter. In fact, the petitioner was neither involved in the alleged occurrence nor had he committed any offence against the minor victim. Thereafter, complainant started blackmailing petitioner and his wife and demanded Rs.2,50,000/-. Apprehending social stigma and

humiliation in the Society, petitioner reluctantly agreed to pay Rs.80,000/- to the complainant. However, the complainant subsequently escalated her demand to Rs.1,00,000/-, which constrained the petitioner's wife to move a complaint against the complainant. Finding substance in those allegations, FIR No.137 dated 02.06.2025 under Sections 308(2),308(7),61 of BNS was registered against the mother of the victim at P.S Kaithal City. It was during the course of investigation of aforesaid case that the mother of the victim admitted that honey trap had been planned against the petitioner only to extract money from him. In the light of submissions advanced hereinabove, learned counsel contends that though nothing is to be recovered from the petitioner, hence his custodial interrogation is not needed but being a law abiding citizen, he is willing to join the investigation.

Heard. Documents perused.

Notice of motion.

Mr. Krishan Lal Saini, Sr. DAG, Haryana accepts notice on behalf of respondent-State and opposes the request for grant of pre-arrest on the ground that the victim has maintained a consistent stand in her statement recorded under Section 164 Cr.P.C (Section 183 of BNSS) as also in her statement on oath, wherein specific allegations of sexual exploitation have been levelled against the petitioner. Taking note of the entire facts, learned Addl. Sessions Judge has rightly summoned the petitioner to face the trial.

List on 27.05.2026.

Meanwhile, without expressing any opinion on the merits of the case, the petitioner is hereby directed to join investigation within seven days from today and cooperate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS."

4. Keeping in view the fact that petitioner has joined the investigation, interim bail granted vide order dated 29.04.2026 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to appear in the Court concerned as and when required.
5. The petition stands allowed.
6. Pending application, if any, also stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

27.05.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No