



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

CRM-M-30813-2025 (O&M)

Reserved on: 22.01.2026

Pronounced on: 30.01.2026

Uploaded on: 30.01.2026

YASH KUMAR

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. Ajay Kumar, Advocate
for the petitioner.

Ms. Kanica Sachdeva, DAG Haryana.

None for respondent No. 2.

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks anticipatory bail in FIR No. 31 dated 03.02.2025 under Sections 137(2), 96, 64(1) and 78(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 12 and 21 of Protection of Children from Sexual Offences Act, 2012, Police Station Siwani, District Bhiwani. This is the first petition for anticipatory bail.

2. FIR was registered on complaint of mother of the prosecutrix who stated that the day before, on 02.03.2025, at about 11.00 AM, her daughter 'M' aged 16 years, had gone missing and her whereabouts could not be traced. Subsequently, 'M', daughter of the complainant was recovered on 04.02.2025. Her statement under Section 183 BNSS was recorded. She stated that she was a



CRM-M-30813-2025 (O&M)

-2-

student of Class 10. On 02.02.2025, her uncle asked her to go from Tosham to Gurugram with Yash, who would give her ₹1,000/-. He told her to give the money to him. When they reached Gurugram, the accused took a train ticket for Rewari and raped her in the toilet in the train itself, whereafter he left her at Bhiwani and fled. On this statement, offences under Sections 64(1), 78(2) BNS and Sections 4, 12 and 21 POCSO Act were added in the FIR.

3. Learned counsel for the petitioner submits that petitioner had been allowed interim anticipatory bail by this Court vide order dated 03.11.2025 and pursuant to orders of the Court, he had joined investigation. Therefore, order dated 03.11.2025 be made absolute.

4. Learned State counsel, while opposing the prayer for anticipatory bail concedes that pursuant to order dated 03.11.2025, petitioner had joined investigation and his custodial interrogation was not required.

5. Anticipatory bail, in a case as serious as the present one, where a minor girl aged 16 years is alleged to have been sexually violated by a stranger in a running train, cannot be granted for the reason that petitioner has joined investigation and his custodial interrogation is not required. There may be cases, where custodial interrogation of the accused may not be required, yet, *prima facie* case against him cannot be ignored. The nature of the offence along with severity of punishment conviction may entail, the role of the petitioner, the manner in which offence was committed are to be considered holistically while considering the prayer for anticipatory bail. Custodial interrogation can be one of the grounds to decline anticipatory bail, however, even if custodial



interrogation is not required or necessitated by itself, it cannot be ground to grant anticipatory bail [vide *Sumitha Pradeep Vs. Arun Kumar C.K. 2022(4) RCR (Criminal) 977*].

6. Considering the nature and substance of allegations against the petitioner, the manner in which the offence was allegedly committed, there are no extraordinary grounds to exercise discretion in favour of the petitioner and to allow the application for anticipatory bail. As such, the petition for anticipatory bail is dismissed.

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

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 27.01.2026
Pronounced on: 30.01.2026

Ajay Goswami

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No