



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

**CRA-S No.1903 of 2026
Date of decision: 02.07.2026**

Krishan

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Sourabh Sheoran, Advocate
for the appellant.

Mr. Vaibhav Sharma, AAG, Haryana
for respondent No.1-State.

Mr. Rajat Sheokand, Advocate
for respondents No.2 and 3.

MANDEEP PANNU, J. (Oral)

1. The present appeal has been filed by the appellant against the impugned order dated 21.05.2026 passed by learned Additional Sessions Judge, Fast Track Special Court (under POCSO Act), Narnaul, whereby the application for grant of regular bail filed by the appellant in case bearing FIR No.234 dated 19.12.2025, under Sections 3(1)(xii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sections 6 & 17 of the Protection of Children from Sexual Offence Act, 2012 and Sections 115, 137, 351(3) and 96 of BNS wherein Sections 115(2), 137(2) and 70(2) of BNS were added later on and Sections 115, 137 and 96 BNS were deleted at the time of filing of Final Report under Section



193 of BNSS, registered at Police Station Nangal Chaudhri, District Mahendergarh, has been dismissed. The appellant has further prayed for grant of grant of regular bail in the afore said FIR.

2. Briefly stated, as per the case of the prosecution, on 19.12.2025, complainant came to the police station along with the victim and presented an application stating therein that he is the Chowkidar of village 'K'. His niece (17 years) studying in BA IInd year in the college. It has been alleged that on 18.12.2025, his niece apprised to them that she has to go to the college and when she reached 'N' Wali Gali, 'N Ch', Sudhir and his companion Krishna, Narendra @ shooter were already there in a Scorpio car. Sudhir, who used to visit their house and his niece was already known to her, called his niece and asked her to get into the car but his niece refused. It has been alleged that they forcibly put her in the car, slapped her and took his niece to a deserted place on Nizampur Road towards Gholi Pahadi and all of them committed wrong act with his niece one by one. These persons also extended threat in case she disclosed the incident to anyone and dropped his niece near 'M Hotel' in 'N Ch' and fled with their car. Thereafter, his niece came home and apprised the whole incident to them.

3. Learned counsel for the appellant contends that the appellant has been falsely implicated due to a monetary dispute between the father of the victim and the accused persons. It is submitted that there is an unexplained delay of more than 24 hours in the registration of the FIR. Learned counsel further submits that the material prosecution witnesses,



namely PW-10 (complainant), PW-11 (victim) and PW-12 (mother of the victim) have been examined and have turned hostile and they have not supported the prosecution case. They have categorically deposed that the appellant and the co-accused neither abducted nor sexually assaulted the victim and that their signatures were obtained by the police on blank papers. The statement of the victim was recorded wherein she denied all the allegations levelled against the appellant and other co-accused and categorically stated that nothing wrong had happened to her and even during her cross-examination, she did not support the case of the prosecution. It is further contended that the testimony of PW-7 Ct. Satyapal No.56/NNL, Draftsman, raises doubts about the fairness of the investigation as he admitted in his cross-examination that the place of occurrence was surrounded by many houses and the Investigating Officer did not joint any public person at the time of preparing scaled site plan. The testimony of PW-8, Dr. Jyoti Lamba, Registrar (Births and Deaths), CHC, Nangal Chaudhary casts doubt on the prosecution's claim regarding the victim being a minor. Learned counsel also submits that the essential ingredients of Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not made out. On the strength of these submissions, it is prayed that the appellant, who is in custody, be granted the concession of regular bail.

4. On the other hand, learned State counsel, assisted by learned counsel for respondents No.2 and 3, opposes the prayer for grant of regular bail to the appellant. It is submitted that although the victim has not



supported the case of the prosecution while appearing as a witness during the course of trial, yet in her statement recorded under Section 164 Cr.P.C., she had levelled allegations against the appellant attracting the provisions of the POCSO Act. It is, thus, contended that keeping in view the nature and gravity of the allegations, the appellant does not deserve the concession of regular bail.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Without commenting upon the merits of the case, this Court finds that the statement of the victim has already been recorded before the trial Court as PW-11 and she has not supported the prosecution case and has categorically denied the allegations levelled against the appellant and has stated that the appellant and his co-accused did not entice and taken her away and did not commit any wrong act upon her at any point of time and they did not abuse caste related remarks to her and did not extend threat to kill her and her family members. The victim was declared hostile and was permitted to be cross-examined by the prosecution; however, even during her cross-examination, she did not support the prosecution version and stated that her statement under Section 164 Cr.P.C. had been recorded under police pressure. The complainant and mother of the victim as well as other material prosecution witnesses have also not supported the prosecution case. Thus, all the material witnesses examined so far have turned hostile.

7. In the aforesaid circumstances, the possibility of the appellant



influencing the testimony of the material witnesses no longer survives. The appellant has remained in judicial custody since 20.12.2025, and the trial is likely to take some more time to conclude. Therefore, no useful purpose would be served by keeping the appellant behind bars for an indefinite period.

8. Accordingly, without expressing any opinion on the merits of the case, the present appeal is allowed. The appellant is ordered to be released on regular bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, if not required in any other case.

9. However, nothing observed herein shall be construed as an expression on the merits of the case.

10. All pending applications, if any, also stand disposed of.

02.07.2026
neetu

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No