



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

CRM-M-40261-2025

Date of decision: 12.03.2026

Hari Krishan

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Gagandeep Kaur, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.278 dated 12.11.2024, under Section 351(3) of BNS Act and Sections 6, 10, 18 of POCSO Act, registered at Police Station Salhawas Jhajjar District.

2. Succinctly, facts of the case are that the FIR has been lodged on the statement of complainant-Satish. It was alleged that on 12.11.2024, his son namely, Gxxxx aged about 10 years, went for a walk in the evening on Sunderehti Jhadli road. It was alleged that the boys accompanying his son went ahead while running and his son was left behind. When his son was alone, a man whose name was found to be Krishan Dudi (petitioner), allured his son and took him to a room in the fields and molested him in unnatural ways. On making noise, Krishan Dudi left him as other children came back and Krishan Dudi threatened to kill them in case they tell about the same to anyone. Request was made to take legal action against the above-named accused. Thus, the FIR was



registered and on registration of the FIR, investigation commenced and petitioner was arrested on 14.11.2024. On completion of the investigation, challan was presented and on framing of charges, trial commenced. Petitioner approached the Court of learned Additional Sessions Judge, (Exclusive Court), Jhajjar praying for grant of regular bail. However, after hearing counsel for both the sides, the same was declined vide order dated 28.05.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case due to family rivalry between both the sides. She has contended that the petitioner is 64 years of age and as per the allegations, no injury whatsoever, was found on the victim child. She has submitted that the allegations amounts to only an attempt of committing the offence. She has submitted that the petitioner has no criminal antecedents and he is behind the bars since the date of his arrest i.e. 14.11.2024. She has further contended that the victim child and the complainant already stand examined and thus, there is no probability of the petitioner tampering with the prosecution case. Thus, she has prayed that the petitioner deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that there are specific allegations made by the victim child against the petitioner. As per the provisions of the POCSO, there is a presumption as well, against the petitioner, however, on instructions, he submits that the complainant and the victim child already stand examined. On instructions, he has submitted



that out of 19 prosecution witnesses, only 05 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 14.11.2024. The victim and the complainant have already been examined. Custody certificate filed by the State show that the petitioner has undergone incarceration of 01 year, 03 months and 20 days as on 11.03.2026. It further reflect that the petitioner is not involved in any other case. As submitted by learned State counsel, out of 19 prosecution witnesses, 05 witnesses have been examined.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No