



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

129

CRM-M-41563-2025(O&M)

Date of decision: 24.03.2026

Banipal

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Kartar Singh, Advocate for
Mr. Varun Singh, Advocate for the petitioner.

Ms. Chhavi Sharma, Astt. AG, Haryana with
ASI Jai Parkash, No.2601/Fbd.

VINOD S. BHARDWAJ, J. (Oral)

The present fifth petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.819 dated 11.12.2021 registered under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 377, 506 of the Indian Penal Code, 1860 at Police Station Sector-8, District Faridabad.

2. Briefly summarized, the present FIR was registered on the complaint of Bhupinder S/o Ramesh Singh r/o House no 1399, Sector 3, Ballabgarh, Faridabad. The complainant stated that he owns a milk dairy and a Sweet shop and he employed Banipal (petitioner herein) on his shop as a worker 6 days before the registration of the present FIR. The complainant had taken one godown at house No. 1575, Sector 3, Faridabad for his shop. On 10.12.2021, he had gone somewhere for work and around 10 PM his sons aged around 12 years and 9 years went to godown to give food to Banipal and slept there only. On 11.12.2021, in the evening, his elder son came to him and started crying and informed that yesterday when he and his younger brother (victim) were sleeping in the godown, then Banipal (petitioner herein) committed wrong act upon his brother 'D' and blood oozed out from his anus. The petitioner further threatened the boys that if they disclosed this fact to anyone, he will kill them.

3. Learned counsel appearing on behalf of the petitioner contends

that the petitioner is in custody since 11.12.2021 and he has already undergone an actual custody of more than 04 years and three months. The trial has not made any headway and only 05 out of total 12 witnesses have been examined so far.

4. Learned State Counsel on the other hand contends that the offence under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 prescribes a minimum sentence of 20 years and that the petitioner has a history of criminal involvement. While he was earlier involved under Section 302 of the Indian Penal Code, 1860 and another under the Arms Act, 1959, one case under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 was registered which is pending trial against the petitioner in the State of U.P. She further contends that 05 out of total 12 witnesses have already been examined and the prosecution shall conclude its evidence within a period of 04 and a half months from the date next fixed before the Trial Court.

3. Having heard counsel for the parties and taking into consideration the assurance given by the prosecution to conclude its remaining prosecution evidence within a period of 04 and a half month from the date next fixed before the Trial Court, the present petition is dismissed as not pressed at this stage.

4. However, the petitioner shall be at liberty to file a fresh petition for grant of regular bail in the event the evidence is not recorded in terms of the assurance given by the learned State Counsel today in the Court.

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

(VINOD S. BHARDWAJ)
JUDGE

24.03.2026

Sumit Gusain

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