



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

(126)

CRM-M-51096-2025 (O&M)
Date of Decision: 25.2.2026

Sharwan Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. This is the second petition for grant of regular bail to the petitioner in case FIR No. 153 dated 27.2.2024 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 376, 452, 506, 376(3) and 376(2), registered at Police Station Sadar Hisar, District Hisar.

2. The earlier petition filed by the petitioner seeking regular bail was dismissed vide order dated 04.8.2025 passed by the Co-ordinate Bench of this Court.

3. The facts in brief are that the prosecutrix, aged 14 years, got recorded her statement with the police alleging therein that on 30.08.2023, she had gone to the house of her maternal grandmother at village Malwas, Churu alongwith her parents on the occasion of Rakshabandhan. On that night, her maternal uncle Sharwan i.e. the present petitioner committed wrongful act with her forcibly in the house of her maternal grandmother. Out



alone in the house, Jai Parkash came to the house and committed wrongful act with her. He also threatened to kill her and told her not to tell anything to anybody. On 26.02.2024, because of her health condition, she was taken to Government Hospital, Balsmand, where it was revealed that she was pregnant. On the basis of the said statement, the present FIR has been registered.

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. There is a delay of six months in registration of the present FIR. It is further submitted that the prosecutrix in her statement recorded under Section 164 Cr.P.C., has not named the petitioner. Even the medical evidence does not substantiate the allegations so levelled against him. It is also submitted that neither the petitioner visited village Balasamand nor he instigated or pressurized the prosecutrix to visit village Malwas, Churu Rajasthan. As per the prosecution version, the alleged offence is alleged to have been committed at Churu, Rajasthan, therefore, the present FIR at Hisar is not maintainable. He further submits that the petitioner has undergone an actual custody of 01 year, 11 months and 24 days and there is no other criminal case registered against him.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. It is submitted that as per the school record of the prosecutrix, her date of birth is 1.9.2009. Thus, she was about 14 years at the time of the alleged incident. The prosecutrix has levelled specific allegations of rape against the petitioner, who is her maternal uncle, as well as against co-accused Jai

Parkash. Subsequently, the victim got pregnant. The DNA profile of the



foetus matches with the co-accused. Moreover, the prosecutrix remained consistent in her statement recorded under Section 164 Cr.P.C. and in her deposition recorded before the learned trial Court.

6. The learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 11 months and 24 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 18.11.2024 and out of total 28 prosecution witnesses, only the victim has been examined, and she has supported the prosecution version. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

7. Heard the rival submissions made by learned counsel for the parties.

8. In the present case, charges have been framed in relation to offence under Section 6 of the POCSO Act. The same attracts the provisions of Section 29 of the said Act, the bare language of which speaks about the adverse presumption to be drawn against a person prosecuted for committing or abetting or attempting to commit any offence under Sections 3, 5, 7 and Section 9 of the Act unless the contrary is proved, thereby raising the threshold of satisfaction required.

9. *Prima facie* grave and serious allegations have been levelled against the petitioner that he committed rape upon the prosecutrix, stated to be around 14 years of age at the time of the alleged occurrence. The prosecutrix in her statement recorded under Section 164 Cr.P.C. and in her deposition recorded before the learned trial Court, has taken a consistent



the prosecutrix, who stated that she did not disclose the facts of the alleged incidents out of fear, the delay in the registration of the case is also *prima facie* not fatal. Moreover, it is only the prosecutrix whose testimony has been recorded till date, and the other prosecution witnesses remain to be examined. Under such circumstances, this Court is not inclined to grant the concession of regular bail to the petitioner at this stage.

10. Accordingly, the present petition is hereby dismissed.

11. However, the learned trial Court is directed to make earnest efforts to conclude the trial expeditiously.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

February 25, 2026
Gurpreet Singh

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