



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

(118)

**CRM-M-60489-2025 (O&M)**  
**Date of Decision: 20.2.2026**

Vikash @ Vikash Chauhan

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Sanchit Punia, Advocate  
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

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**KIRTI SINGH, J. (ORAL)**

1. This is the third petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No. 245 dated 18.6.2024 under Sections 323, 341, 506, 354-A, 34 IPC and Section 8 of the POCSO Act, registered at Police Station Narnaud, District Hansi.

2. The first two petitions seeking regular bail, were dismissed as withdrawn on 21.1.2025 and 21.5.2025.

3. The allegations against the petitioner are that on 13.6.2024, at about 7.00 P.M., he molested the prosecutrix and misbehaved with her. When the complainant along with her son went to the house of the petitioner to make a complaint, the petitioner, his mother and brother started quarreling with them. When the complainant side was in the street, the petitioner along with other co-accused attacked them with sticks. Accused Sunny also gave spear blow on the head of the son of the complainant. On hearing noise,

brother-in-law of the complainant came at the spot, whereupon the accused



also hit him with sticks. On hearing noise, the neighbours gathered at the spot, whereupon all the assailants fled from the spot while extending threats to kill them.

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by levelling allegations of teasing and molestation at a public place. There is a delay of 05 days in lodging the present FIR. It is submitted that in the first statement of the complainant dated 15.6.2024, she had stated only with regard to the injuries received by her son Ranbir and her brother-in-law Shamsher. No allegation of molestation against the present petitioner was levelled therein. Moreover, as per the investigation, the injured/complainant was fit on 13.6.2024 for recording the statement, yet she deliberately got recorded her statement on 18.6.2024, materially improving her version and levelling false and fabricated allegations under the POCSO Act against the petitioner. Subsequently, the statement of the prosecutrix under Section 164 Cr.P.C. was recorded on 19.6.2024, which too is an improved version of the statement made by the complainant on 13.6.2024. Even as per the medical report, injuries purported to be attributed to the petitioner are simple in nature. Learned counsel further submits that the victim is not coming forward to record her statement andailable warrants have been issued against her by the learned trial Court on 17.10.2025. He further submits that the petitioner has undergone an actual custody of 01 year, 07 months and 05 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. She states that the petitioner was actively involved in the commission of the offence. She

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, 07 months and 05 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 25.8.2025 and out of total 14 prosecution witnesses, none has been examined till date. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. Admittedly, despite the charges having been framed on 25.8.2025, all the prosecution witnesses are yet to be examined. Bailable warrants have been issued to secure the presence of the prosecutrix to record her testimony. The petitioner has undergone actual custody of 01 year, 07 months and 05 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty

Magistrate. The petitioner shall also abide by the following conditions:-



- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

**(KIRTI SINGH)**  
**JUDGE**

**February 20, 2026**  
Gurpreet Singh

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