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

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Date of Decision:-13.02.2026

Himanshu Paliwal

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sandeep S.Majithia, Advocate
for petitioner (through V.C.).

Mr. Ashwani Bhatia, AAG, Haryana.

Mr. Bharat Bhushan Sharma, Advocate for the complainant.

AMARJOT BHATTI, J.

1. The petitioner – Himanshu Paliwal has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.727 dated 27.09.2022, under Sections 363, 366-A, 323, 386, 414, 120-B of IPC, 1860 and Section 6 and 12 of POCSO Act, 2012, registered at Police Station Sector 58, Faridabad (Annexure P-1).

2. As per facts of the case, complainant 'K S' gave his statement that he is father of four daughters and a son. His youngest daughter i.e. the victim, aged about 16 years got missing from the house on the night of 22.09.2022 around 11:00 PM. She was enticed away by Teji alias Tanisha by giving her allurements of marriage. She also took away jewellery and money along with her. During investigation, the victim was recovered by

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the police on 06.10.2022. She was joined in the investigation. Her statement was recorded under Section 164 Cr.P.C. She was taken for medical examination, but she refused for her medical examination. The challan was presented against the accused arrested in this case, whereas the present petitioner was arrested on 20.07.2024 and thereafter supplementary challan was presented.

3. Learned counsel representing petitioner argued that he is falsely implicated in this case. It was a case of consensual relationship. As per her statement recorded under Section 164 Cr.P.C., she left the house on her own with co-accused Sher Singh. She refused for her medical examination. The statement of the victim recorded before the Legal Aid Counsel is Annexure P-2 and the statement recorded under Section 164 Cr.P.C. is Annexure P-4. Under the pressure of her parents, she gave a new version recorded on 28.12.2022 and a false story was concocted by her. He had no concern with the said offence. He is behind the bars since 20.07.2024. Trial in this case may take long time. No purpose would be served by keeping him behind the bars for indefinite time period. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. Along with the status report, there is statement of victim recorded under Section 164 Cr.P.C. (Annexure R-1), and there is another statement of the victim recorded under Section 164 Cr.P.C. (Annexure R-4). In this statement, she has levelled serious allegations against the petitioner and other co-accused. Copy of birth certificate of victim is Annexure R-3. As per the status report,



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supplementary challan has been presented against the petitioner, whereas challan was already presented against other accused Rajinder Singh@ Rajendra Singh, Chander Bose and Gaurav Paliwal and were already charge-sheeted. Since petitioner was arrested subsequently, his supplementary challan is presented on 23.08.2024. Since specific role is attributed to the petitioner, therefore, he is not entitled to be released on regular bail.

4. I have considered the arguments and have gone through the record. Allegations are serious in nature against the petitioner and other co-accused. Rajinder Singh @ Rajendra Singh, Chander Bose, Gaurav Paliwal and Himanshu Paliwal are facing trial, whereas other co-accused are declared proclaimed persons. Trial in this case is at initial stage. Statement of the alleged minor victim is yet to be recorded.

Considering the aforesaid factual position, I am not inclined to grant regular bail to the petitioner and his regular bail petition is accordingly declined.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

13.02.2026

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No