



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

(229)

CRM-M-66772-2025

Date of Decision: 06.02.2026

AVNISH DUBEY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anoop Verma, Advocate
for the petitioner(s).

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 41 dated 26.04.2025 under Sections 506 of IPC and Sections 6 & 8 of POCSO Act (Sections 201, 376(2)(n), 376(3), 372(2)(f) of IPC added lateron), registered at Police Station Women, District Gurugram.

2. The translated version of the FIR is reproduced below:-

“To SHO Police Station sector 51, Gurugram: Sir, it is requested that I xxxx wife of Ravinder Nath Pandey, resident of Gaay Tajopur Police Station, Sayalkhasi district, Mau, Uttar Pradesh, presently residing at block U DLF phase 3, U/37-1 Gurugram, and I have been residing at Gurugram from last 16 years. My husband is doing a job as security guard and I work as housekeeping. I have four children, three daughters and one son, my elder daughter whose name is xxxxx, Her age is about 17 years 4 months who from class one till class fifth, and the second daughter, whose age is 16 years And youngest daughter age is 13 years. All three daughters used to study at government girls, primary school, Nathupur Gurugram and now all of three daughters studies in government Senior secondary school, Nathu pura Gurugram. When my daughter xxxxx used to study in class fifth in the year 2018, at that time, my real bua's son Avnish Dubey used to come at our rented room T block, MS Bhavan, New Mohalla, Chaupal Nathupur. My daughter xxxxx told me two days back that



when I was sleeping on the terrace, then Avnish Dubey touched her chest and then I came to the room and slept, thereafter when I used to study in class eighth at that time, my June vacations were going on at that time Avnish Dubey came to our rented room. T Block Nathupur Gurugram.

When I was alone, then forced me and did the wrong act, then in the month of September 2022, his mother rang my mother and said that Avnish is not well, so you come to Pitam pura Delhi. Then my mother sent me (xxxx) and my young younger sister (xxxx) to his house at Pitampura Delhi for his caretake. On that day, he did sex with me and my younger sister xxxx without our consent, and threatened to me that if you disclose this to anyone, then he will get my parents killed. Therefore, I did not tell anyone. Avnish Dubey has committed wrong with me three times and with my sister xxxx one time in his room at Pitampura. Avnish Dubey has committed wrong with my both the daughters and I want/strict action against Avnish Dubey so that we can get justice. I am giving this statement before Nirmala Yadav legal advisor, which I am getting it written from my daughter. Whatever I have said the same has been written. Sd/- Rxxx Kxxx dated 25.04.2025.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated on the basis of statement of the complainant. It is submitted that the petitioner, being the son of the complainant’s real brother, has been wrongly accused of committing the wrongful acts with the daughters of the complainant and is in fact a consequence of family disputes. There is an unexplained delay of nearly seven years in the registration of the FIR, when seen from the alleged first occurrence. The allegations leveled in the FIR are not only sweeping, but also lack any specific details with respect to the alleged occurrences. It is further submitted that there is no evidence on record to corroborate the allegations. The material witnesses stand examined before the learned trial Court. The petitioner has already undergone an actual custody of 09 months and 10 days. He has clean antecedents.

4. *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 09 months and 10 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 27.08.2025 and out of total 19 prosecution witnesses, 02 witnesses i.e. victims have 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.

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

6. Admittedly, the charges were framed on 27.08.2025 and out of total 19 prosecution witnesses, only 02 have been examined till date, both of whom are material witnesses. The petitioner has undergone actual custody of 09 months and 10 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.**

7. 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.

8. 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.

9. 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.

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

(KIRTI SINGH)
JUDGE

February 06, 2026

Ritika

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