

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:022404



CRA-S-3946 of 2025(O&M)
Reserved on: 12.02.2026
Pronounced on:13.02.2026
Uploaded on:13.02.2026

Sayed Aftab

..Appellant

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Pardeep Singh, Advocate
for the appellant.

Ms. Kanica Sachdeva, DAG Haryana.

Mr. Parth Yadav, Advocate
for the complainant.

SHALINI SINGH NAGPAL, J.

The appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 challenges order dated 30.10.2025 of learned Additional Sessions Judge, Fast Track Court, Faridabad, vide which first regular bail application of the appellant was declined.

In the first court, appellant sought regular bail in FIR No. 67 dated 04.04.2025 under Sections 140(3), 137(2) of Bharatiya Nyaya Sanhita (B.N.S.) 2023, Section 4 of the Protection of Children from Sexual offences (POCSO) Act, 2012, Section 3(2)(v)/33/89 of the SC/ST Act (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police

Station Old Faridabad.

FIR was recorded on statement of 'DV' father of the prosecutrix who stated that his daughter 'D' aged 17 years had gone missing from the house on 03.04.2025, without informing anyone. 1-1/2 years earlier also, she had gone away with one Krishan and Ajit but returned. He suspected that she had been kidnapped. FIR was accordingly registered and during investigation 'D' was recovered from possession of Sayed Aftab.

Learned counsel for the appellant submits that the appellant was behind bars for the last more than 10 months and 3 days. He further submits that in her statement under Section 183 BNSS, prosecutrix did not incriminate the appellant and stated that no wrongful act was committed by him. Infact, it was a case of consensual relationship. Learned Trial Court committed grave error in declining the prayer for regular bail. He prayed that order dated 30.10.2025 passed by Additional Sessions Judge, Fast Track Court, Faridabad, be set aside and appellant be enlarged on bail.

Learned State counsel assisted by Mr. Parth Yadav, learned counsel for the complainant submitted that after the first statement of the prosecutrix was recorded under Section 183 BNSS, she made supplementary statement Annexure R2, wherein she levelled allegations that appellant forcefully committed penetrative sexual assault. Prosecutrix was recovered from the possession of the appellant. At the time of incident, her date of birth was 17 years and 3 months. She was thus, a child and also belonged to the scheduled caste. Allegations against the appellant were serious and statement of the witnesses were yet to be recorded. Out of 27, only 1 formal witness was examined. Supporting the order of learned Trial Court, dismissal of the appeal was prayed for.

Appellant is alleged to have kidnapped the minor victim and to have forcefully committed penetrative sexual assault on her person. Allegations against him are serious, grave in nature. In her statement under Section 183 BNSS dated 08.04.2025, prosecutrix deposed on oath that appellant had threatened her and that is why she did not disclose about the physical relations in her first statement. Trial is at initial stage. Prosecutrix has not been examined yet. In the circumstances of the case, the order of learned Additional Sessions Judge, Fast Track Court, Faridabad, declining regular bail does not suffer from any legal infirmity warranting interference in appeal. The appeal is accordingly dismissed.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

13.02.2026

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Whether speaking/reasoned	:	Yes
Whether reportable	:	No