

**CRM-M No.71512 of 2025;
CRM-M No.3882 of 2026**

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

CRM-M No.71512 of 2025

Amit

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CRM-M No.3882 of 2026

Arun @ Shiv

..... Petitioner

versus

State of Haryana and another

..... Respondents

Date of Decision: 25.03.2026

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhishek Kumar Singh, Advocate;
Mr. A. V. S. Parmar, Advocate;
Mr. Suraj Singla, Advocate and
Mr. Pushkar Dwivedi, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.102, dated

13.02.2022, under Sections 506, 34 of IPC and Section 4 of POCSO Act,

registered at Police Station Saran Faridabad, District Faridabad, Haryana.

3. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Rekha. It was alleged that the complainant was working in a private company and residing on rent. It was alleged that the complainant has two children. It was alleged that Arun (petitioner in CRM-M-3882 of 2026) and Amit (petitioner in CRM-M-71512-2025) were also residing in the same house on rent. It was alleged that in the absence of the complainant, both, Amit and Arun used to do indecent things with her son (name concealed). It was alleged that on 13.02.2022, Amit and Arun called the victim in their room with the bad intention, however, he fled from there and told the complainant that they insert their penis into his mouth and caught hold of his hands and legs and further, they extended threat that in case he disclosed about the same to any one, he would be killed. Thus, the request was made to take legal action against the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Resultantly, both the petitioners were arrested on 14.02.2022. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Additional Sessions Judge, Fast Track Special Court, Faridabad praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Fast Track Special Court, Faridabad declined the bail applications filed by both the

petitioners vide orders dated 22.02.2024 and 19.12.2025. Being aggrieved, the petitioner, namely, Amit earlier approached this Court twice praying for the grant of regular bail by way of filing CRM-M-42515-2024 and CRM-M-12621-2025, however the same were dismissed as withdrawn vide orders dated 11.09.2024 and 20.05.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsel for the petitioners have contended before this Court that the petitioners have been falsely and frivolously implicated in the present case in a clandestine manner. They have submitted that the FIR has been lodged by the mother of the alleged victim (name concealed) on the basis of the false and frivolous allegations. They have submitted that except the bald allegations against the petitioners, there is no credible evidence against them. They have submitted that though there is a provision of presumptions as enshrined under Sections 29 & 35 of BNS but primarily the offence alleged is not even proved, thus the presumption is not even attracted. To buttress their arguments, learned counsel for the petitioners have submitted that the statement of the victim was recorded under Section 164 Cr.P.C. and thereafter, he has been examined before the learned trial Court as PW1. They have submitted that there are material improvements in both the statements. They have submitted that the complainant, i.e. the mother of the victim is a habitual litigant, who has been filing frivolous FIRs against other as well. They have submitted that one case bearing FIR No.2, dated 03.01.2025 has been lodged by the same complainant-

mother against her live-in-partner, namely, Govind, however, the accused, namely, Govind in that FIR has already been granted the concession of anticipatory bail by this Court vide order dated 28.08.2025 passed in CRM-M-8363-2025. They have submitted that though there is no whisper regarding any third accused in the FIR lodged or in the statements made before the Court, however, the complainant filed the application under Section 319 Cr.P.C. for summoning the third accused, namely, Sachin to face the trial, however, the learned trial Court has declined the same vide order dated 05.11.2024. They have submitted that the petitioners are behind bars from last more than 04 years. They have submitted that both the material witnesses, i.e. the complainant and the victim already stand examined. They have submitted that the petitioners have no criminal antecedents. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. She has submitted that the offence committed by the petitioners is against a child, who is 11 years of age. She has submitted that as per the provisions of Sections 29 & 35 of BNS, the presumption is straightway attracted against the petitioners. She has submitted that the complainant and the victim, both have been examined before the learned trial Court and they have supported the case of the prosecution. She, on instructions, has submitted that out of total 15 prosecution witnesses, only 03 witnesses have been examined so far. She has submitted that the trial is at the initial stage and hence, the petitioners do not deserve the concession of bail and the

present petition deserves to be dismissed. She has produced custody certificates of both the petitioners today in the Court, which are taken on record.

6. This Court has heard learned counsel for the parties and perused the record with their able assistance.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioners on the allegations as made in the FIR by the mother of the victim were arrested on 14.02.2022. The complainant and the victim child (name concealed) have already been examined before the learned trial Court. Custody certificates produced would show that the petitioners have suffered an incarceration of 04 years, 01 month and 12 days as on 24.03.2026. It further reflects that the petitioners are not involved in any other case. Out of total 15 prosecution witnesses, only 03 witnesses have been examined so far. Attention of this Court has been drawn to another FIR lodged by the complainant-mother against one Govind, who has already been granted bail by this Court in the same.

10. This Court would refrain itself from commenting anything on the merits of the case. The arguments and counter arguments as raised before this Court would be assessed by the learned trial Court on the appreciation of the evidences led by both the sides, however, keeping in view the custody of the petitioners and their antecedents, this Court is inclined to grant bail to the petitioners. Needless to say that every accused has the fundamental right of speedy trial.

11. The Hon'ble Supreme Court in Ashim @ Asim Kumar

***Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem
Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC***

695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

12. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

13. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsels for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

14. Accordingly, both the petitions are allowed and all the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.



15. Nothing said herein shall be treated as an expression of
opinion on the merits of the cases.

25.03.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No