



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

(115)

CRM-M-73477-2025 (O&M)

Date of Decision: 27.05.2026

ASHEESH KUMAR

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. A.V.S. Parma, Advocate and
Mr. Abhishek Kumar Singh, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

KIRTI SINGH, J. (ORAL)

CRM-15131-2026

Allowed as prayed for subject to all just exceptions. Annexures
P-10 to P-12 are taken on record.

MAIN CASE

1. The jurisdiction of this Court under Section 483 BNSS has been
invoked for grant of regular bail to the petitioner in case FIR No.683 dated
01.11.2023, under Section 506 of IPC and Section 6 of POCSO Act,
registered at Police Station Mujesar, District Faridabad.

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

*“It is stated that I 'RT' W/o 'SR' R/o xxxx, Morna, Chaksikandar,
presently staying as tenant in house of 'SS', H.No. xxx, xxx, Sanjay
colony, Faridabad. I have four children, two male and two female.
That 'G' is my youngest daughter aged 13 years. Ashish who stays at
the top of our house as a tenant threatened my daughter or lured my
daughter and called her at night around 1 AM to his room and
forcefully committed wrong things with her. That my daughter came*



crying downstairs and told me all the things. I want legal action against Ashish.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the mother of the prosecutrix, alleging therein that the petitioner committed rape upon the prosecutrix. It is submitted that the petitioner is in fact a tenant in the house of the complainant. The two sides had disputes regarding the tenancy, for which reason sweeping allegations had been levelled against the petitioner by the complainant. It is submitted that there is no cogent evidence on record to substantiate the allegations levelled against the petitioner, now 24 year old who, has already undergone actual custody of 2 years, 6 months and 12 days. There is no other case registered against him.

4. Learned State counsel has opposed the prayer of the petitioner and submits that there are specific serious allegations against the present petitioner of committing rape upon the prosecutrix, who was all of 13 years of age at the time of the alleged occurrence. During the course of investigation, the statement of the minor prosecutrix was recorded under Section 164 Cr.P.C., wherein specific allegations were levelled against the petitioner. The testimony of the prosecutrix has also been recorded before the learned trial Court, in which she has supported the case of the prosecution. The medical examination of the prosecutrix as well as of the petitioner was conducted, and samples collected, thereupon were sent for forensic examination. As per the report received thereof, the male DNA profile of the petitioner obtained from the samples obtained from the prosecutrix has matched with the DNA profile obtained from the blood samples of the petitioner. It is submitted that charges in the present case were framed on 29.04.2024, and out of 19 prosecution witnesses 3 stand



examined. Therefore, the petitioner does not deserve to be granted the concession of regular bail by this Court.

5. Heard the learned counsel for the parties.

6. The POCSO Act, 2012 is a special legislation enacted with a clear and stringent legislative intent to protect children from sexual exploitation and abuse, and to ensure a robust deterrent framework.

7. In the present case, charges have been framed in relation to offence under Section 6 of the POCSO Act, an offence which strikes at the very core of bodily integrity and dignity of a child. The same attracts the provisions of Section 29 of the said Act, the bare language of which speaks about the adverse presumption to be drawn against a person prosecuted for committing or abetting or attempting to commit any offence under Sections 3, 5, 7 and 9 of the POCSO Act unless the contrary is proved, thereby raising the threshold of satisfaction required. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the evidence, must take into consideration the nature and gravity of the alleged offence, severity of the punishment and *prima facie*, the involvement of the accused and the material on record.

8. Reverting to the case in hand, *prima facie*, grave and specific allegations of committing rape upon the prosecutrix, stated to be about 13 years of age, have been levelled against the petitioner. The statement of the prosecutrix recorded under Section 164 Cr.P.C., and her testimony before the learned trial Court, are consistent with respect to the allegations levelled against the petitioner, which are further *prima facie* corroborated by the scientific evidence, as per which DNA of the petitioner was obtained from the samples of the prosecutrix. Moreover, 16 out of the 19 prosecution



witnesses remain to be examined before the learned trial Court. Accordingly, in the totality of the facts and circumstances, this Court is not inclined to grant the concession regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

9. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.

10. However, considering the custody period undergone by the petitioner, the learned trial Court is encouraged to conclude the trial expeditiously.

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

(KIRTI SINGH)
JUDGE

May 27, 2026
Kirti Singh

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