

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

209

**CRM-M-799-2026
Date of Decision:09.03.2026**

KAMAL**.....PETITIONER**

Versus

STATE OF HARYANA**.....RESPONDENT****CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON**

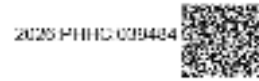
Present:- Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case FIR No.662 dated 25.08.2025, under Sections 351(3), 64(1), 64(2)(m), 351(3) of Bharatiya Nyaya Sanhita and Section 6 of POCSO (Section 4 of POCSO Act deleted lateron), registered at Police Station Hisar Sadar, District Hisar (Annexure P-1).

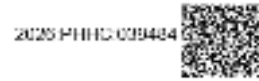
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case at the instance of the complainant. It is submitted that the offences alleged in the FIR are not made out in the manner projected by the prosecution. It is further argued that the Investigation in the case already stands completed and the petitioner has been in judicial custody since 22.09.2025. It is submitted that the conclusion of the trial is likely to take considerable time and no useful purpose would be served by keeping the petitioner incarcerated for an



indefinite period.

Elaborating the submissions, learned counsel for the petitioner submits that the FIR came to be registered on the basis of an alleged incident dated 19.08.2025 when a missing person report was lodged by the complainant regarding the prosecutrix. The prosecutrix, however, returned on the evening of the same day and both the prosecutrix and her mother appeared before the police where their statements were recorded. In the said statements, they allegedly expressed their desire to close the matter since the girl had returned and significantly no allegation of sexual assault or threat was levelled at that stage. It is further submitted that subsequently on 25.08.2025, after a delay of about six days, the mother of the prosecutrix lodged the present complaint on the basis of which the FIR was registered, and no satisfactory explanation for such delay has been offered. According to the petitioner, the present FIR is an afterthought and an improved version of the earlier narrative.

Learned counsel further submits that there are material contradictions between the statements allegedly given to the legal aid counsel and the statement of the prosecutrix recorded before the Magistrate under Section 164 of the Code of Criminal Procedure regarding the sequence of events and the nature of the relationship between the parties. It is also pointed out that in her statement under Section 164 Cr.P.C., the prosecutrix admitted that she was in a relationship with the petitioner. It is argued that the prosecutrix herself admitted that she and the petitioner used to communicate frequently over telephone which, according to the petitioner, indicates that the relationship between them was voluntary in nature.

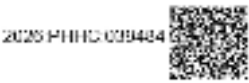


3. *Per contra*, learned State counsel has placed on record status report dated 08.02.2026 in Court today, which is taken on record. He submits that the prosecutrix is a minor and the allegations against the petitioner are serious in nature. It is further submitted that the DNA report relating to the foetus of the victim is still awaited. Learned State counsel also submits that out of a total of 23 prosecution witnesses, none has been examined so far. It is pointed out that the charges have only recently been framed and the prosecutrix herself is yet to be examined before the trial court. In these circumstances, it is contended that the petitioner does not deserve the concession of bail at this stage.

4. I have heard learned counsel for the parties and have perused the record.

5. At the stage of consideration of bail, the Court is not expected to conduct a meticulous examination of the evidence or record findings on the merits of the allegations. However, the nature and gravity of the accusation, the status of the investigation, the stage of trial and the possibility of the accused influencing witnesses are relevant considerations.

6. In the present case, it is not in dispute that the prosecutrix is stated to be a minor. The allegation made in the complaint are serious in nature and the DNA report concerning the foetus of the prosecutrix is still awaited. The trial has only recently commenced after the framing of charges and none of the prosecution witnesses have yet been examined. Significantly, the prosecutrix herself, who is the star witness of the prosecution, is yet to be examined before the trial Court. In such circumstances, releasing the petitioner on bail at this stage may have the potential to affect the course of the trial. In totality of the circumstances and



mainly the fact that the material witness is yet to be examined, this Court is not inclined to grant the concession of bail to the petitioner at this stage.

7. Accordingly, the present petition is dismissed. However, it is clarified that the observations made hereinabove are only for the purpose of deciding the present bail petition and shall not be construed as an expression on the merits of the case.

09.03.2026
pry

(NEERJA K. KALSON)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>