



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

210

CRM-M-842-2026

AAKASH

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

Reserved on: 09.03.2026

Pronounced on : 16.03.2026

Uploaded on : 16.03.2026

*Whether full judgment is pronounced
or
-operative part thereof: Full*

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.731 dated 23.10.2024, under Sections 123, 351(3), 65(2) of BNS Act and Section 6 of POCSO Act, registered at Police Station HTM, District Hisar.

2. Learned counsel for the petitioner contends that the petitioner is a young boy who has been falsely implicated in the present case by levelling baseless and exaggerated allegations. It is argued that the prosecution story itself suffers from serious infirmities which render the continued incarceration of the petitioner unjustified.



It is submitted that there is a substantial and unexplained delay in the registration of the FIR. As per the prosecution version, the alleged occurrence took place on 20.10.2024, whereas the FIR came to be registered on 23.10.2024, after a delay of three days. Learned counsel argues that no satisfactory explanation for this delay has been provided and the same indicates deliberation and consultation before lodging the complaint, thereby casting a serious doubt on the veracity of the allegations.

3. It is further argued that the medical and forensic evidence collected during investigation does not support the grave allegations levelled against the petitioner. The FSL report dated 12.12.2024 (Annexure P-2) placed on record reveals that no semen was detected on any of the exhibits sent for forensic examination, which considerably weakens the prosecution case regarding the commission of the alleged act. Learned counsel further submits that the prosecution story regarding administration of an intoxicating substance is also not supported by the scientific evidence. As per the FIR, it was alleged that the petitioner mixed some intoxicating substance in the Maggi consumed by the victim, resulting in her losing consciousness. However, the Forensic Science Laboratory report dated 29.07.2025 (Annexure P-3) does not indicate the presence of any poison or drug in the relevant samples, thereby creating serious doubt about said part of the prosecution case.

It is also contended that there exist material contradictions in the statements of the victim. In the FIR, the victim stated that the mother and sister of the petitioner came to call her from her house, whereas in her subsequent statement recorded under Section 183 BNSS, she stated that only the sister of the petitioner came to call her. Learned counsel submits



that such a fundamental discrepancy concerning the persons involved in taking the victim to the house strikes at the root of the prosecution story and affects the credibility of the allegations. It has further been argued that the version of the victim appears improbable and contrary to the natural course of human conduct. Even as per the prosecution version, the presence of family members in the house is indicated. However, both the FIR and the statement under Section 183 BNSS are silent regarding the presence of the petitioner's mother inside the house at the relevant time, while the statement suggests that the petitioner's sister was present in the house. Learned counsel submits that the allegation that the petitioner could commit such an offence in the presence of his own mother and/or sister appears highly doubtful, particularly when both of them have been declared innocent during investigation.

4. It is also pointed out that during investigation, the mother and sister of the petitioner, who were initially named in the victim's version as having brought her to the house and being present immediately prior to the alleged incident, were found to have no involvement in the occurrence and were accordingly declared innocent by the investigating agency, which further exposes the contradictions in the prosecution case. Learned counsel further submits that the petitioner is not involved in any other criminal case. The petitioner has been in custody for about one year and four months. It is further submitted that out of 17 prosecution witnesses, the victim and her mother, who are the material witnesses, have already been examined, and several discrepancies in their testimonies have also been highlighted during the course of trial. It is argued that the conclusion of trial is likely to take considerable time and continued incarceration of the petitioner would serve



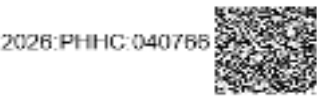
no useful purpose.

5. On the other hand, learned State counsel has opposed the petition on the ground that allegations against the petitioner are serious in nature. However, it is not disputed that as per the FSL report, no semen was detected in the samples and no common poison was detected in the relevant exhibits. It has also been submitted by learned State counsel that during investigation, no involvement of the mother and sister of the petitioner was found and they were declared innocent.

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

7. The law relating to grant of bail is no longer res integra. An accused is presumed innocent until proven guilty. The Hon'ble Supreme Court has settled the principles in this regard in *State of Haryana vs. Bhajan Lal*, AIR 1992 SC 604. Pre-trial detention cannot be punitive has held by the Hon'ble Supreme Court in *Gurbaksh Singh Sibbia vs. State of Punjab*, AIR 1980 SC 1632. As held in number of precedents that Bail is rule, jail exception [*Dataram Singh vs. State of U.P.*, (2018) 3 SCC 22, *Sanjay Chandra vs. CBI*, (2012) 1 SCC 40]. The object is to secure presence of accused at trial, not inflict punishment

8. Without expressing any opinion on the merits of the case, this Court finds that the petitioner has been in custody for a substantial period of about one year and four months. The material witnesses including the victim and her mother have already been examined, and therefore the possibility of influencing them appears minimal. The forensic reports placed on record do not *prima facie* support certain crucial aspects of the prosecution version, including the allegation regarding administration of an



intoxicating substance and detection of semen on the exhibits. Furthermore, the trial is likely to take considerable time for its conclusion.

9. Keeping in view the totality of circumstances, the period of custody undergone by the petitioner, the stage of the trial and without commenting upon the merits of the case, this Court is of the considered view that the petitioner deserves the concession of regular bail.

10. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

11. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.03.2026
pry

(NEERJA K. KALSON)
JUDGE

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