



CRM-M-21212-2024

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

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CRM-M-21212-2024

Date of decision: 17th July, 2025

Kanhiya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 495 dated 11.10.2023 registered under Sections 323 and 384 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') (Sections 387 and 506 of IPC added later on) at Police Station Dabua, Faridabad.

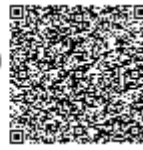
2. The aforementioned FIR was registered on basis of a complaint submitted by the complainant 'A' (name withheld) alleging therein that he along with his friend 'C' (name withheld) used to visit the house of the petitioner, who is his maternal uncle and they had become quite friendly. In the afternoon of 02.09.2023, he had gone to the house of the petitioner, who was alone. The petitioner initially played some games on phone with the complainant for some time, but thereafter started touching him inappropriately. When the complainant objected, he was assaulted by the petitioner. The petitioner stripped him of his clothing and made a video and extended threats to make the video viral, if the complainant disclosed about



the incident to anyone. He further alleged that the petitioner had started blackmailing him ever since then on the pretext of making his video viral and had been demanding money. Being unable to bear this, he told everything to his neighbour and had been brought to the police station.

3. Initially, a case under Sections 323 and 384 of IPC read with Section 8 of POCSO Act was registered. Investigation proceedings were initiated. Offences under Sections 387 and 506 of IPC were added later on. The statement of the victim was recorded under Section 164 of Cr.P.C. wherein he had levelled even graver allegations of being sexually asvsaulted by the petitioner. The victim was also medico legally examined. The petitioner was arrested on 12.10.2023. The petitioner suffered disclosure statement admitting his involvement in the crime and demarcated the place of occurrence. He also got recovered his mobile phone and a screw driver. Investigation now stands completed and petitioner is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is inordinate and unexplained delay in lodging of the FIR. The ingredients for commission of offences punishable under Sections 384 and 387 of IPC have not been established against him at all. He has been in custody since long. Trial will take considerable time to conclude. The petitioner was only 18 years old at the time of alleged occurrence. There are no chances of his assaulting the victim, who was 16 years and 11 months old. Only a small scuffle had been taken between them and a false case has been planted upon him. There is no medical evidence to prove the allegations of the victim being sexually assaulted. The petitioner has clean antecedents. His further incarceration



would not serve any useful purpose. It is, therefore, argued that the petitioner deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned State counsel that keeping in view the allegations levelled against the petitioner, he does not deserve to be extended benefit of bail. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner is alleged to have sexually assaulted the victim and is further alleged to have made efforts to extort money from him on the pretext of making his objectionable videos viral. He has been in custody since 12.10.2023. He does not have any criminal antecedents. Trial will take sufficient time to conclude. As per the above discussed facts and circumstance, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail at this stage. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*