

CRM-M-25391 of 2025

2025:PHHC:101939



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

CRM-M-25391 of 2025  
Date of decision: 07.08.2025

GH

.....Petitioner

versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Rajat Singh, Advocate,  
for the petitioner.

Ms. Priyanka Sadar, Sr. DAG, Haryana.

**NAMIT KUMAR, J. (ORAL)**

1. Learned State counsel has produced a copy of the notice dated 13.07.2025 whereby complainant has been informed about the pendency of the present petition, however, no one is present on behalf of the complainant and the victim.

2. Instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case FIR No.95 dated 11.03.2023 registered under Sections 346, 363 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sector 5, Gurugram, District Gurugram.

3. Brief facts of the case are that on 11.03.2023, complainant/mother of the victim moved a written complaint to the police alleging therein that she has been residing at Gurugram and is a labourer. She has four daughters. She alleged that on that day i.e. 11.03.2023 at about

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2.00/3.00 p.m. her third numbered daughter had left the home without telling anything to anyone while taking away her mobile phone. She gave detailed description of her daughter. Upon her complaint, a case was registered under Section 346 IPC. Investigation was carried out. During investigation, on 14.03.2023 victim was got recovered from Kamla Nehru Park, Sector 5, Gurugram along with a boy and both were taken to police station. On enquiry, that boy disclosed his name as 'GH'.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner has been declared juvenile vide order dated 28.07.2025 (Annexure P-2), by the Presiding Officer, Children's Court-cum-Additional Sessions Judge, Fast Track Special Court for the offences under POCSO Act, 2012, Gurugram. He further submits that the date of birth of the victim is in dispute as in her statement recorded before the trial Court on 27.09.2024 she stated that she is 20 years of age meaning thereby on the date of incident i.e. 14.03.2023 she was also major. Learned counsel further submits that she further stated in her statement that she made physical relations with the petitioner with her consent. He further submits that even the complainant has also not supported the case of the prosecution in her statement recorded as PW2. He further submits that the petitioner is in custody since 14.03.2023. He submits that investigation in the present case is complete; challan has been presented and out of total 21 prosecution witnesses, only 04 have been examined. He further submits that trial may take a considerable time to conclude, therefore, no useful purpose would be served by detaining



the petitioner during trial.

5. *Per contra*, learned State counsel has opposed the prayer for grant of regular bail to the petitioner on the ground that petitioner is accused of wrongful confinement of the child victim; enticing her away from her home and committing sexual acts with her. She submits that in view of the gravity of offence, petitioner is not entitled for regular bail.

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

7. Keeping in view that petitioner is a juvenile; he is behind bars for the last about 02 years and 05 months; out of total 21 prosecution witnesses, only 04 have been examined and the conclusion of trial may take a long time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

**07.08.2025**  
R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No