



CRM-M-41403-2025 (O&M)

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

(211)

CRM-M-41403-2025 (O&M)

Date of Decision:-13.10.2025

Vishal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Viransh Kumar, Advocate for the petitioner.

Ms. Swati Batra, Senior DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 824 dated 26.12.2023 registered at Police Station Krishna Gate, Thanesar, District Kurukshetra, initially under Section 365 of Indian Penal Code, later on Section 06 of POCSO Act, 2012 and Sections 363 and 366-A of Indian Penal Code, 1860 were added.

2. Learned counsel for the petitioner submits that the prosecutrix had consistently maintained that she was a major and the petitioner and the prosecutrix were in a live-in relationship. Learned counsel further submits that the parties had earlier approached the Court, wherein the prosecutrix had produced her Aadhaar Card reflecting her date of birth as 01.01.2004. However, the prosecution has now relied upon a school leaving certificate showing her to be a minor. It is contended that the petitioner was never aware of the prosecutrix being a minor and both were in a consensual relationship. It is further submitted that the prosecutrix had initially refused to undergo medical examination and had given a statement under Section



164 Cr.P.C. in favour of the petitioner, however, subsequently, she consented to undergo medical examination and disclosed that she was pregnant, which was subsequently terminated.

3. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record. As per the same, the petitioner has been in custody for the last 01 year, 01 month, and 28 days as on 10.10.2025.

4. At this stage, learned counsel for the petitioner reiterates his prayer, submitting that both the victim and the complainant have been examined.

5. Learned State counsel, however, clarifies that 16 out of 22 witnesses have been examined and that the victim and the complainant have supported the prosecution version. It is further submitted that there exists direct medical evidence against the petitioner.

6. Heard learned counsel for the parties.

7. In light of the above, since the petitioner has raised the issue of the prosecutrix's age and has already undergone incarceration for more than one year, coupled with the fact that the material witnesses have been examined and the trial is likely to take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner in further custody. Accordingly, the petitioner is held entitled to the concession of regular bail.

8. Without commenting upon the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on bail if not required in any other case on furnishing bail bonds and surety bonds to



the satisfaction of the trial Court/Duty Magistrate, concerned. The petitioner shall, however, be released on the following conditions:

- i The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.

10. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

11. Pending application(s), if any, shall stand disposed of.

(ALOK JAIN)
JUDGE

October 13, 2025

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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No