



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

(214)

**CRA-S-1822-2025 (O&M)  
Date of Decision: 01.8.2025**

Sanjay

.....Appellant

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Amit Choudhary, Advocate  
for the appellant.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Manjit Singh Gahlawat, Advocate  
for respondent No. 2.

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**KIRTI SINGH, J. (ORAL)**

1. The present appeal has been preferred against the order dated 17.4.2025 passed by the learned Additional Sessions Judge-Special Judge, Fast Track Court, Hisar, whereby the application filed by the appellant under Section 439 Cr.P.C. seeking regular bail in case FIR No. 559 dated 25.7.2023 under Section 354-A IPC, Section 10 of the POCSO Act and Section 3(1)(w)(i) of the SC/ST Act, registered at Police Station Azad Nagar, District Hisar, has been dismissed.

2. Mr. Manjit Singh Gahlawat, Advocate puts in appearance on behalf of respondent No. 2 and files the memo of appearance which is take on record.

3. The present FIR was got registered on the statement of the victim, wherein she has stated that she is studying in 10th class in a school in



Azad Nagar, Hisar. She used to take coaching at Pascal Academy near Janta Hospital, Azad Nagar, Hisar where accused Sanjay Ahlawat used to teach her Science. On 18.7.2023, when victim went for her coaching, then accused Sanjay told her that he will not come to give tuition class on 19.7.2023 and if they want to study they have to come to his house for tuition. Two of her friends were also supposed to go for the classes but they did not turn up on that day. At that time, apart from him, his four years daughter and his father were also present at the house of accused Sanjay. Accused Sanjay asked the victim to sit in the room at first floor. Thereafter, accused along-with his daughter came in the room and asked the victim that he will not teach as victim was the only student and he asked the victim that they would play Ludo game in mobile and they started playing Ludo. During that period the accused inappropriately touched her on her feet, waist and neck and he also kissed her on her both hands, forehead and neck. The victim got frightened and started weeping whereupon, accused hugged her. Thereafter, victim came to her house at 5.45 PM and did not tell about the incident to her mother. At about 6.00 PM, she went to take tuition from one Gaurav. As the victim was sad, her friend 'K' and Gaurav asked her about the reason of her sadness, then she told about the incident happened with her at the house of accused Sanjay. They asked the victim to inform her parents about the said incident, but due to fear she did not apprise her parents. On 25.7.2023, she informed the Principal of her school about the said incident, whereupon accused Sanjay was called by the Principal and accused Sanjay felt sorry from the victim. Thereafter, as the victim was not feeling well, the receptionist of the school dropped the victim at her house. But the victim did not tell about the incident to her parents. Her friend 'K' came to the house of



victim and told the incident dated 19.7.2023 done by the accused Sanjay, to the mother of the victim. Thereafter, mother of victim went to the house of accused Sanjay and asked about the incident to which the accused flatly refused.

4. Learned counsel for the appellant *inter alia* submits that the appellant has been falsely implicated in this case at the instance of one Gaurav for settling his personal scores with the appellant. It has further been submitted that there is a delay of 06 days in lodging the present FIR. Moreover, there are material contradictions in the statements of the victim, respectively recorded under Section 164 Cr.P.C. and before the learned trial Court concerned. He further submits that the appellant is in custody for the last 01 year, 04 months and 27 days and there is no other case registered against him.

5. *Per contra*, learned State counsel as well as the learned counsel for respondent No. 2 have vehemently opposed the submissions made by the learned counsel for the appellant. They state that the appellant was actively involved in the commission of the offence. The learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the appellant has undergone an actual custody of 01 year, 04 months and 27 days. He on instructions from the concerned investigating officer submits that challan has been presented and charges were framed on 28.3.2024. He also submits that out of a total of 15 prosecution witnesses, 12 witnesses have been examined. He submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.



7. Admittedly, the charges were framed on 28.3.2024 and out of total 15 prosecution witness, 12 have been examined till date. The petitioner has undergone actual custody of 01 years, 04 month and 27 days, and there is no other criminal case registered against him. The material witnesses already stand examined. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused-appellant.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present appeal is allowed and the appellant is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The appellant shall also abide by the following conditions:-

- (i) The appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/intimidate the prosecution witness(s).
- (iii) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The appellant shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the



prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present appeal.

11. Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**August 01, 2025**  
Gurpreet Singh

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**