

**CRM-M-31838-2025**

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2026:PHHC:045984**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(105)****CRM-M-31838-2025**

Date of Decision:-24.03.2026

Youns Sandhu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Santosh Miglani, Advocate for the petitioner.

Ms. Swati Batra, Senior DAG, Haryana
assisted by ASI Jasbir Singh.

ALOK JAIN, J. (Oral)

1. The present petition has been filed seeking grant of regular bail to the petitioner in case FIR No. 259 dated 27.09.2023, under Sections 363, 366-A and 376(2)(n) IPC and Section 6 of POCSO Act, registered at Police Station Cheeka, District Kaithal (Annexure P-1).

2. Learned counsel for the petitioner submits that the entire allegations levelled in the FIR are false and incorrect, and the petitioner was always made to believe that the victim was a major. It is further submitted that there is no cogent evidence on record with regard to the age of the prosecutrix. Learned counsel further contends that all the material witnesses have already been examined and the petitioner has been in custody for more than two years. It is also submitted that, as per the MLR, there are no signs of injury, and even in the statement of the victim, no allegations have been levelled against the petitioner.



3. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has been in custody for 02 years, 03 months and 10 days as on 21.03.2026.

4. Learned State counsel submits that, as per the FSL report, human semen has been detected, which constitutes cogent evidence regarding the commission of the offence. However, she could not dispute the fact that all the material witnesses have already been examined.

5. In light of the above and considering the fact that all the material witnesses have already been examined, coupled with the fact that the petitioner has been in custody for the last 02 years, 03 months and 10 days and has clean antecedents, and further keeping in view that the trial is likely to take considerable time, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petitioner is held entitled to the concession of regular bail.

6. 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.

7. 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.

8. 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.

(ALOK JAIN)
JUDGE

24.03.2026

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Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No