



220

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-36007-2026****Date of Decision: 10.07.2026****KRISHAN****...Petitioner****Vs.****STATE OF HARYANA****...Respondent****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Deepak K. Sharma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C.) for grant of regular bail in FIR No.0455 dated 03.11.2024, registered under Sections 137, 115 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 363 and 323 IPC) and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Agroha, District Hisar, during the pendency of the trial, in the interest of justice.

2. The case of the prosecution, as set out in the FIR, is that the complainant Baljit submitted a complaint alleging that his son/victim, aged about 11 years, resident of Village Nangthala, who is mentally challenged and was residing with his maternal grandparents, was playing in the street on 02.11.2024 at about 12:30 PM. It was alleged that the accused/petitioner lured the victim and took him to his house, where he beat him and, taking advantage of the victim's mental condition, committed an offence with him. On the basis of the said complaint, the present FIR was registered under Sections 137 and



115 of the Bharatiya Nyaya Sanhita (BNS) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). During investigation, the victim was medically examined and statements of the complainant, victim, doctors, and other witnesses were recorded. The petitioner was arrested on 02.12.2024. The prosecution alleges that the petitioner committed the offence by exploiting the mental vulnerability of the victim and has relied upon the statements of the complainant and other prosecution witnesses, along with the material collected during investigation. After completion of investigation, the challan was presented before the learned Trial Court, charges were framed, and the prosecution witnesses were examined.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is innocent. It is argued that the petitioner has no connection with the alleged offence and has been dragged into the present proceedings due to a previous dispute between the petitioner and the family of the victim.

3.1 Learned counsel further submits that the allegations levelled against the petitioner are not supported by any cogent or scientific evidence. It is contended that the prosecution case rests primarily upon the allegations made by the complainant and the alleged disclosure statement of the petitioner, which by itself cannot be sufficient to establish the commission of the alleged offence.

3.2 It is further submitted that the victim is suffering from severe intellectual impairment and, as per the statements of PW-2 Dr. Poonam Dahiya and PW-3 Dr. Shalu Dhanda, the victim has an IQ level of 33 and is unable to understand what is good or bad for him. Learned counsel argues that



the statement of the victim has to be appreciated in the light of his medical condition and cannot be treated as reliable evidence without proper scrutiny.

3.3 Learned counsel for the petitioner submits that even if the testimony of PW-4/victim is taken into consideration, the victim has only stated that he was beaten and has not attributed any act constituting an offence under the POCSO Act against the petitioner. It is argued that no offence under Section 6 of the POCSO Act is made out from the material available on record.

3.4 It is further contended that the DNA report dated 07.04.2026 does not support the prosecution case and clearly indicates that no such act, as alleged, was committed with the victim. Therefore, the petitioner deserves the benefit of doubt. Learned counsel further submits that the investigation in the present case has already been completed, the challan has been presented, charges have been framed, and the material prosecution witnesses, including the complainant and the victim, have already been examined. Thus, there is no requirement for further custodial interrogation of the petitioner and his continued incarceration would serve no useful purpose.

3.5 It is also submitted that the petitioner is a permanent resident of the address mentioned in the petition and there is no possibility of his absconding or evading the process of law. The petitioner undertakes not to influence or threaten any prosecution witness in any manner. Accordingly, it is prayed that the petitioner be released on regular bail during the pendency of the trial.

4. Learned counsel further submits that the right to speedy trial is a fundamental right guaranteed under Article 21 of the Constitution of India,



and the prolonged incarceration of the petitioner violates the said mandate. Reliance is placed upon the judgment of the Hon'ble Supreme Court in *Satender Kumar Antil v. CBI*, (2022) 10 SCC 51.

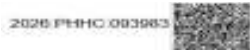
5. Notice of motion.

6. Mr. Tanuj Sharma, AAG, Haryana, who is present in Court accepts notice on behalf of the State and custody certificate dated 08.07.2026 has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

7. Learned State counsel opposes the present petition and submits that the allegations against the petitioner are serious in nature, involving commission of an offence under Section 6 of the POCSO Act against a minor victim aged about 11 years, who is mentally challenged. It is submitted that the allegations against the petitioner are specific and the victim and other material witnesses have supported the prosecution case. The defence pleas raised by the petitioner, including false implication and previous enmity, are matters of trial and cannot be considered at this stage. Learned State counsel further submits that the offence is grave in nature and release of the petitioner on bail may adversely affect the course of trial. Therefore, the petitioner does not deserve the concession of regular bail and the present petition is liable to be dismissed.

8. This Court has considered the rival submissions and perused the record.

9. Having regard to the facts and circumstances of the present case, particularly the nature and gravity of the allegations, the vulnerability of the victim being a minor child suffering from intellectual impairment, the



allegations regarding commission of offence under Section 6 of the POCSO Act, and the fact that the trial is still pending, this Court is not inclined to grant the concession of regular bail to the petitioner at this stage. Accordingly, the present petition is dismissed.

10. However, it is well settled that the right to speedy trial forms part of Article 21 of the Constitution of India. The petitioner having remained in custody for a considerable period, cannot be detained indefinitely. Accordingly, the learned Trial Court is directed to make every endeavour to expedite the trial and prosecution is also directed to examine all remaining witnesses within a period of 03 months, in accordance with law.

(VIRINDER AGGARWAL)
JUDGE

10.07.2026

kv

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