

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**IA No.1 of 2024 For Bail Application**  
**In**  
**Criminal Appeal No. 229 of 2024**

Sumit Singh Panwar ..... Appellant

Vs.

State of Uttarakhand ..... Respondent

Present:

Mr. Himanshu Pal, Advocate for the appellant.

Mr. V.S. Rawat, A.G.A. for the State.

**Coram: Hon'ble Ravindra Maithani, J.**  
**Hon'ble Siddhartha Sah, J.**

**Hon'ble Ravindra Maithani, J. (Oral)**

The instant appeal has been preferred against judgment and order dated 28/30.03.2024, passed in Special Sessions Trial No.18 of 2019, State Vs. Sanjeev Kumar and another, by the court of Additional District Judge/FTSC, District Haridwar. By it, the appellant has been convicted under Sections 376(AB) IPC and Section 5(l)/6 of the Protection of Children from Sexual Offences Act, 2012, and sentenced accordingly.

2. Heard.
3. This appeal has already been admitted.
4. List in due course for final hearing.
5. Heard on First Bail Application (IA) No.1 of 2024
6. According to the FIR, on 11.10.2018, the victim, a young girl, complained to her teacher that her father has done *badtameezi* and *chedchad* twice with her. The Principal got the FIR lodged. The victim was examined under Section 164 of the Code of Criminal Procedure, 1973 ("the Code"), where she reiterated this version. When she was medically examined, she reiterated the same thing. But when she was examined in the court, she did not support the prosecution case. She was declared

hostile. In her cross examination, on behalf of her father, who was then the accused, the victim revealed that it is the appellant, who did *galat kaam* with her. Thereafter, learned counsel for the appellant submits that the appellant was summoned under Section 319 of the Code, and he has been convicted.

7. Learned counsel for the appellant submits that the entire prosecution case is false; according to the victim, the appellant is her real maternal uncle, whereas, it is not so, which is evident from the family register that has been filed by the appellant; the statement of the victim is quite wavering; until she was examined in the court, she did not name the appellant; suddenly, in her cross-examination, she named the appellant. Hence, it is a case fit for bail.

8. These factual narrations have not been disputed by learned State Counsel.

9. Having considered this and other attending factors, we are of the view that it is a case in which the execution of sentence should be suspended and the appellant be enlarged on bail.

10. The bail application is allowed.

11. The sentence appealed against is suspended during the pendency of the appeal.

12. The appellant be released on bail during the pendency of the appeal on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

**(Siddhartha Sah, J.)**

**(Ravindra Maithani, J.)**

25.03.2026