

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWrit Petition(s) (Criminal) No(s). 123/2026

XXX

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(IA No. 89615/2026 - EXEMPTION FROM FILING O.T. and IA No. 89618/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 25-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLIFor Petitioner(s) : Mr. Mukul Rohatgi, Sr. Adv.
Mr. Abhimanyu Bhandari, Sr. Adv.
Mr. Vaibhav Mishra, Adv.
Mr. Namisha Gupta, Adv.
Mr. Pranav Shridhar Chitale, AOR
Mr. Parth Sarathi, Adv.
Mr. Aditya Dutta, Adv.
Mr. Ekansh Mishra, Adv.
Mr. Kartika Sharma, Adv.For Respondent(s) : Ms. Aishwarya Bhati, A.S.G.
Mr. Samar Vijay Singh, AOR
Mr. Sumit Kumar Sharma, Adv.
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Keshav Mittal, Adv.
Mr. Rajat Sangwan, Adv.
Mr. Harsh Mehla, Adv.
Mr. Vaibhav Yadav, Adv.
Ms. Divya Sharma, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. The instant proceedings concern a serious issue involving a 3.8-year-old girl who was assaulted between 01.12.2025 and 31.01.2026. The matter came to light on 02.02.2026, whereupon the trauma, suffering, and distress endured by the child were further

aggravated by the insensitive, reckless and wholly irresponsible, investigative methods adopted by the Gurugram Police in the course of investigation. The conduct and findings of the Child Welfare Committee (CWC), as reflected in its report dated 05.02.2026, have only served to compound such victimisation.

2. The manner in which the police authorities, ranging from the Commissioner of Police to the Sub-Inspector, have so far investigated discloses a concerted and unwarranted attempt to discredit the version of the minor victim and to portray the concerns raised by her parents as exaggerated and unfounded.

3. However, the material brought on record, including the affidavits, filed by the Police Officers as well as the report submitted by the Judicial Magistrate before whom the victim was produced, leaves no manner of doubt that a *prima facie* case under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), is made out. Notwithstanding the gravity of the allegations and the material available on record, the police authorities have, for wholly unjustified and extraneous reasons, sought to dilute the offence by erroneously classifying it under Section 10 of the Act.

4. Unfortunately, even the learned Judicial Magistrate, in the comments forwarded to this Court, before whom the minor victim was produced on 06.02.2026, while duly recording the manner in which the victim was interacted with and the responses elicited therefrom, failed to ensure that the investigation proceeded on the correct legal premise that a *prima facie* offence under Section 6 of the POCSO Act was disclosed.

5. At this juncture, we deem it necessary to clarify that we are consciously refraining from advertent to the specific details of the incident or to its portrayal in the affidavit filed by the Commissioner of Police. Suffice it to state that, as per the said affidavit, the investigation, as on 06.02.2026, allegedly did not disclose the commission of any offence. However, in the very same affidavit, at a subsequent stage, apparently following media reports indicating that this Court had taken cognisance of the matter, a materially altered stand has been adopted on the ostensible ground that, pursuant to a representation made by the victim's father, the facts were re-verified on 12.03.2026.

6. This shifting and inconsistent stance raises serious concerns regarding the fairness and credibility of the investigation. In such circumstances, it is imperative that the incident be subjected to a thorough, impartial, and sensitive investigation, conducted with a humane approach that duly preserves the dignity of the minor victim and her parents.

7. It appears to us that the present case reflects a disturbing pattern wherein the police authorities have made concerted efforts to shield the suspects, relying upon an irresponsible and casual report submitted by the Child Welfare Committee (CWC). We are constrained to express serious reservations regarding the academic and professional ability of the members of the CWC, as well as their expertise to render meaningful and reliable assistance to the investigating agency in matters of such sensitivity and gravity.

8. Before taking any appropriate action against the Chairperson and members of the Child Welfare Committee, Gurugram, we direct

them to submit their explanations regarding the report dated 06.02.2026 within one week. We also direct the Principal Secretary of the Women and Child Development Department, Government of Haryana, to file an affidavit within one week, and a senior officer of the Department shall produce the original records concerning the appointment of the Chairperson(s) and members of the Child Welfare Committee throughout the State

9. In order to ensure a fair, dispassionate and independent investigation, we constitute a Special Investigation Team (SIT) comprising : (i) Ms. Kala Ramachandran, IPS, Additional Director General of Police, who is presently posted as Director, Haryana Police Academy, Madhuban, (ii) Dr. Anshu Singla, IPS, presently posted as Superintendent of Police, Anti Corruption Bureau, Haryana, and (iii) Ms. Jasleen Kaur, IPS, presently posted as Deputy Commissioner of Police/HQRs and Deputy Commissioner of Police/Crime, Jhajjar.

10. The State of Haryana is directed to notify the SIT and make the officers available for conducting investigation without any delay. The SIT is directed to take over the investigation from the Gurugram Police forthwith. The Gurugram Police is directed to hand over the record to the SIT by tomorrow, i.e., 26.03.2026.

11. The Commissioner of Police, Gurugram, or any other police officers of Gurugram whose details are enumerated in paragraph 27 of the affidavit, shall be entirely disassociated from this investigation. All officers listed in paragraph 27 are directed to show cause why appropriate disciplinary and criminal action should not be taken against them.

12. The CWC members shall further show cause as to why they should not be ordered to be removed forthwith.

13. Further, Dr. Babita Jain, Max Hospital, is also directed to show cause and explain the circumstances in which she was compelled to change her medical opinion through the report dated 21.03.2026.

14. The learned Sessions Judge, Gurugram, is directed that the judicial proceedings in relation to the subject matter, as and when required, shall be placed before the POCSO Court presided over by a woman judicial officer.

15. The Registry is directed to erase/redact the name of the victim, her parents and other identity marks from all the documents, including school records, which have been attached to the documents filed by the Commissioner of Police and Assistant Commissioner of Police with their respective affidavits.

16. Post this matter on 06.04.2026.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)