



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

(212)

**CRM-M-48836-2025 (O&M)
Date of Decision: 05.9.2025**

Jahid

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Farukh Abdullah, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS read with Section 528 of BNSS, has been invoked for grant of regular bail to the petitioner in case FIR No. 77 dated 22.4.2024 under Sections 363, 366, 376-D, 201 and 506 IPC, registered at Police Station Hassanpur, District Palwal.

2. The translated version of the FIR is reproduced below:-

“To, respected SHO, Police Station Subject: Regarding the abduction of my daughter from my house, taking her away, and raping her, therefore, strict legal action against the accused persons be taken. It is humbly submitted that I, Hakam son of Sh. Fazar Caste Musalman, resident of Inayatpur, Police Station Hasanpur, Tehsil Hodal, District Palwal. On the night of 09.04.2024, I and my family were sleeping at our home. When we woke up in the morning, we saw that my daughter, xxxx, aged about 19 years, was not at home. We searched nearby but could not find her. My family members made significant efforts to locate her, including asking our relatives, but there was no clue. On 10.04.2024, I received a call



from an unknown person who informed me that my daughter was in Chandigarh. My family and I went to Chandigarh to bring her back. We found her there, frightened and unwell. I brought her home and got her treated by a private doctor. Once she felt better, my daughter told me that Zahid, son of Asu, a resident of Padeni, repeatedly threatened her on the phone, saying he had made a video of her bathing. He told her to elope with him or he would make the video viral. He had also raped her multiple times in our village last year. On the night of 09.04.2024, Zahid, son of Asu, resident of Padeni, Tauru; Sahil alias Taiya, son of Mubeen, resident of Padeni, Tauru; and Manjis, son of [Name Unknown], resident of Kharkhadi, Tauru, came in a Hyundai car with registration number HR55AF3731. Out of fear of the video, I stepped out of my house. They forcibly made me sit in the car and took me away. Zahid tried to force me into marrying him at the Chandigarh court. When I refused, Zahid, Sahil alias Taiva, and Manjis raped me against my will in Chandigarh. They left me outside the court and fled. They threatened to kill me if I pursued legal action and said they would make the video viral. I called my family from a stranger's phone. My family came and brought me home. Since then, I have been getting my daughter treated by a doctor. Now, I am submitting this application at Police Station Hasanpur, requesting strict legal action against the accused persons and protection for my daughter's life and property. Kindly grant us justice”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the statement of the father of the prosecutrix, alleging that the petitioner along with other co-accused enticed his daughter, all of whom later raped her. It is submitted that the present FIR has been registered after an unexplained delay of 13 days, and the medical evidence does not substantiate the allegations levelled in the FIR. Further, the victim as well as the complainant have not supported the prosecution case qua the petitioner and were declared hostile witnesses. He has placed reliance on the statements (Annexures P-3 and P-4). It is further submitted that vide order dated 28.8.2025 passed by this Court in



CRM-M-60384-2024 the similarly situated co-accused has been granted the concession of regular bail. Learned counsel submits that the petitioner is in custody since 12.06.2024, and has already faced a prolonged incarceration for a period of 01 year, 2 months and 22 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 2 months and 22 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 13.9.2024 and out of total 17 prosecution witnesses, 02 have been examined till date. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. Admittedly, the charges were framed on 13.9.2024 and out of total 17 prosecution witness, only 02 witnesses have been examined till date i.e. the complainant and the victim, who have turned hostile. Furthermore, the similarly situated co-accused has already been granted regular bail by this Court. The petitioner has undergone actual custody of 01 year, 2 months and 22 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future,



would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner 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 petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner 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 petitioner 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.

8. 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.

9. 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 bail petition.

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

(KIRTI SINGH)
JUDGE

September 05, 2025
Gurpreet Singh

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