

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2025.PHHC:127636



CRM-M-43565 of 2025(O&M)  
Reserved on: 15.09.2025  
Date of Order:16.09.2025

**Talim**

**..Petitioner**

**Versus**

**State of Haryana and another**

**..Respondents**

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

**Present: Mr. Talim Hussain, Advocate  
Mr. Mohammad Sabir, Advocate  
Mr. Harwinder, Advocate, for the petitioner.**

**Mr. Vikas Bhardwaj, AAG, Haryana**

**Mr. Aazam Khan, Advocate, for the complainant.**

**SHALINI SINGH NAGPAL, JUDGE**

Petitioner seeks regular bail in case vide FIR No.0454, dated 23.11.2024, under Section 64(1), 77, 351(3), 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023, Police Station Sadar Nuh, District Nuh. This is his first petition for regular bail.

Prosecutrix alleged in her first report to the police that one year ago, Dilshad son of Abdul Aziz and other 2-3 persons residents of Bhandgaka, Sadar Nuh, came to her house for repair of cooler. At that time, she was bathing and the accused prepared a video of her bathing. On the same day, Dilshad took her mobile bearing No.9350271806. Since then, the accused were harassing and annoying her. She further alleged that 3-4 months ago, when she was working in her agricultural fields, Dilshad forcibly did wrong act with her and shot her video. Despite request, Dilshad

was repeatedly calling her on the phone. She further alleged that in the morning of 18.11.2024, at 4:30 am, when she was sleeping in her house and her husband was away, Dilshad along with his other friends, forcibly took her to another room and pressed her private parts. When she raised alarm, her mother woke up and the accused escaped. While going they snatched her gold 'Hasali, weighing 20 grams and threatened to kill her in case she disclosed the incident. Some other persons were outside the house ready with their motorcycle without number. While departing, they left one Realme phone. Said persons uploaded her obscene videos and were extending threats to kill her husband. Her life was destroyed. When her husband and her family members lodged a complaint with father of the accused, he abused, thrashed them and shunted them out.

Learned counsel for the petitioner argued that main allegations in the case were against Dilshad and there were no specific allegations against the petitioner. He further submitted that petitioner was only alleged to have taken pictures/videos of the prosecutrix. During investigation, his mobile phone was taken into possession and was sent for DIATEC examination. The report of DIATEC examination nullified the allegations in the FIR. He further submits that petitioner was not even named in the FIR and his name crept up for the first time in statement under Section 164 Cr.P.C of the prosecutrix. He thus prayed that the petitioner, who was in custody with effect from 03.12.2024, be enlarged on regular bail.

Learned State counsel has filed status report, submitting that co-accused Dilshad son of Zakir was still at large and had not been arrested. Accused was charged under Section 3(5), 70(1) and 351(3) read with

Section 3(5) of Bhartiya Nagarik Suraksha Sanhita, 2023, by learned trial Court on 20.05.2025. Out of 12 witnesses, only 2 were examined. Prayer has been made for dismissal of the bail application on the ground of serious nature of allegations.

Statement of prosecutrix under Section 183 Cr.P.C. has been recorded. She stated therein that an year ago, when she was taking bath, Dilshad prepared a video and compelled her to meet him by extending threats. He had sexual intercourse with her for one year, under threat. On 18<sup>th</sup>, he brought along with him three other boys and started having sexual intercourse with her. When she raised alarm, her mother woke up, upon which his phone fell down and he fled along with other boys, namely, Talim, Dilshad and Dilshad. 2-3 days before the incident also, Dilshad had sexual intercourse with her in the fields and that time Dilshad and Talim had taken her photographs .....

Considering the nature and substance of allegations against the petitioner, who is said to have accompanied the main accused when he violated the person of the prosecutrix, it is not a fit case to extend the benefit of regular bail to the petitioner. The petition for regular bail is dismissed.

Nothing observed hereinabove shall be construed as expression of opinion on merits of the case.

All the pending miscellaneous applications, if any, are also disposed of.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**16<sup>th</sup> September, 2025**

**nt**

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

**Whether reportable : Yes/No**