



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-5158-2025

Date of Decision: 04.02.2025

Nikhil Yadav

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

**NIDHI GUPTA, J. (ORAL)**

The petitioner has filed the present 2<sup>nd</sup> petition under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of **regular bail** in case FIR No. 07 dated 06.02.2024 (Annexure P-1) registered under Section 376D IPC at Police Station Women, Gurugram.

Learned counsel for the petitioner submits that the aforesaid FIR (Annexure P-1) was registered on the basis of a complaint moved by the victim herself wherein utterly vague and general allegations have been made against the petitioner.

It is first and foremost submitted that as per the FIR, the date of incident is 06.04.2023, whereas the FIR (Annexure P-1) was registered only on 06.02.2024. There is no explanation on record regarding the extraordinary and inordinate delay of almost one year in registration of the FIR.

Further, it is submitted that in the FIR the main allegations are against the friend of the complainant/victim, namely, Sakshi Yadav, who is stated to have administered some intoxicating drink to the victim.



The allegations in the FIR that the petitioner along with some other persons had committed rape upon the victim are utterly false. Even in her statement recorded under Section 164 Cr.P.C. (Annexure P-5), nothing specific has been stated by the victim and it has only been reiterated that the aforesaid Sakshi Yadav had given some alcoholic drink to the victim upon which she lost her consciousness and when the victim regained her consciousness she felt pain in her private parts besides bleeding. It is further stated that *'thereafter Ravi Yadav and Nikhil Yadav had meet me in the Farm House itself and had stated that if told to anyone then said that your nude photos will got viral on the internet and had threatened to kill'*. Therefore, it is submitted that the main allegations in the FIR are against the friend of the victim, namely, Sakshi Yadav and the petitioner has nothing to do with the same.

It is also stated that there is no medical evidence to corroborate the story put forth by the complainant/victim. The petitioner was arrested by the police on 03.04.2024 and since then he has been in custody. Thus, it is prayed that he may be released on regular bail.

*Per Contra*, learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. (Annexure P-5) and also in her testimony before the learned trial Court as PW-2, has supported the prosecution case and reiterated the allegations of rape against the petitioner and other co-accused of the petitioner. Even father of the victim as PW-3 before the learned trial Court has also supported the prosecution case. On instructions, learned counsel for State



has informed that out of total 19 prosecution witnesses, 04 have already been examined so far; and 15 witnesses remain to be examined.

Learned counsel for the State files custody certificate dated 03.02.2025 which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 10 months.

I have heard learned counsel for the parties.

Without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case, including: (a) custody period of 10 months undergone by the petitioner as an undertrial; (b) that material witnesses already stand examined; and (c) out of total 19 prosecution witnesses, only 04 witnesses have been examined by the learned trial Court, so far, therefore, conclusion of trial will take considerable time, and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Nikhil Yadav S/o Ashok Kumar, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

**04.02.2025**

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**( NIDHI GUPTA )  
JUDGE**

**Whether speaking/reasoned Yes/No**

**Whether Reportable Yes/No**