



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

209

**CRM-M-60384-2024 (O&M)
Decided on: 28.08.2025**

SAHIL @ TAYYA

. . . Petitioner

Versus

STATE OF HARYANA

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Khalid Tauru, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

1. This is petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.77 dated 22.04.2024, under Sections 363, 366, 376-D, 506 and 201 of IPC, registered at Police Station Hassanpur, District Palwal.

2. The contents of the aforesaid FIR are reproduced herein 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. Thanking you, Yours sincerely."

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 there is no medical evidence to substantiate the allegations levelled in the FIR. Further during the course of her cross-examination, the victim has turned hostile *qua* the other two co-accused. The petitioner, is in custody since 04.05.2024, and has already faced a prolonged incarceration for a period of 1 year 03 months and 24 days till date.

4. *Per contra* learned State counsel has opposed the bail and submits that there are serious allegations against the petitioner. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 1 year 3 months and 24 days. He on instructions, submits that charges were framed



on 13.09.2024 and out of total of 17 prosecution witnesses, only 02 witnesses have been examined till date. He further submits that there is one more case registered against the petitioner under Section 379 of IPC, in which he is in custody. He, however, 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 04.05.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court; and trial of the case has not made much progress, as charges were framed on 13.09.2024 and out of a total of 17 prosecution witnesses, only 02 witnesses have been examined till date including material witnesses, i.e. the complainant and the victim. Moreover, the material witnesses have turned hostile. 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. As regards the submission of learned State counsel that petitioner is involved in one more criminal case, it has been held by the Hon’ble Supreme Court in *Maulana Mohd. Amir Rashadi Vs. State of U.P. and another*, 2012 (2) SCC 382 that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the



petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

8. The grant of bail is warrants drawing a delicate balance of competing legal and societal interests. It is settled law that personal liberty of an individual, a cherished constitutional guarantee, cannot be taken away except in accordance with the procedure established by law. A person accused of committing non-bailable offences can be detained in custody during the pendency of the trial, unless enlarged on bail. However, exercising judicial discretion in bail matters, Courts must be guided by a calibrated assessment of factors such as the nature and gravity of the offence so alleged, the strength of the prima facie case, the likelihood of the accused fleeing justice, tampering with evidence or influencing witnesses, and the overarching interest in ensuring that the trial proceeds fairly and without obstruction.

9. Accordingly, 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 she 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. 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.

11. 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.

12. Meanwhile, learned trial Court is encouraged to conclude the trial expeditiously.

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

(KIRTI SINGH)
JUDGE

28.08.2025

Ithlesh

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No