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

CRM-M-12850-2025

Date of Decision:- 23.05.2025

Mohd. Nasir

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Sanjeev Kumar, Advocate for
Mr. Ravi Malik, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. Petitioner Mohd. Nasir has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case FIR No. 12 dated 28.01.2025 under Section 323, 366, 376(2)(n), 506 of IPC registered at Police Station Bahin, District Palwal, Haryana (Annexure P-1).

2. Facts of the case are prosecutrix 'A' gave her statement that she is a married lady having two children. There was matrimonial dispute with her husband Zakir, as a result, she shifted to her parental house in village Kot. On 14.04.2024, she had gone out for work and came across Mohd. Nasir. He allured her with his kind words and assured to marry her.



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She accompanied him in his car and she was kept in a rented house in Gurugram. She requested him to perform marriage but he put off the matter. Finally, when she strongly insisted for marriage, he refused and even threatened to kill her. Ultimately, she again shifted to her parents' house. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner denied the allegations. It is pointed out that prosecutrix is a mature lady having children. Their relationship was consensual. There is joint affidavit/live-in relationship agreement dated 16.04.2024 (Annexure P-2). She herself filed application to Commissioner of Police, Gurugram dated 26.04.2024 (Annexure P-3) and also gave her affidavit of the same date (Annexure P-4). Even Zakir gave his affidavit i.e. Annexure P-5. Matter is already compromised. He is ready to join investigation. Therefore, his anticipatory bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State assisted by learned counsel for prosecutrix/complainant. Detailed status report has been filed confirming the facts narrated in FIR. Statement of victim was recorded before Magistrate under Section 164 Cr.P.C. (Annexure R-2) and copy of her MLR is Annexure R-1. Regarding the alleged affidavits annexed with bail petition, there is statement of prosecutrix recorded by Investigating Agency (Annexure R-3), where she took the stand that she has not given any affidavit regarding compromise. Petitioner took undue advantage, she being illiterate and managed to obtain her signatures. Learned counsel for prosecutrix/complainant took the stand that victim has been exploited by petitioner who is yet to join investigation.



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5. I have considered the aforesaid factual position. As per the facts narrated in FIR, it is the case of victim that she was allured by present petitioner on the pretext of marriage and was sexually exploited by keeping her in a rented accommodation. When she insisted for marriage, he threatened to kill her, as a result she again came back to her parental house. Along with present petition, he has annexed one live-in relationship agreement dated 16.04.2024 (Annexure P-2), one application and affidavit allegedly given by victim dated 26.04.2024 i.e. Annexures P-3 and P-4 respectively. As per contents of FIR, she accompanied petitioner on 14.04.2024 and aforesaid live-in relationship agreement is of dated 16.04.2024 (Annexure P-2). Application (Annexure P-3) and disputed affidavit (Annexure P-4) are dated 26.04.2024, whereas, present FIR has been lodged on 28.01.2025. Prosecutrix has denied having given any application or affidavit bearing her signatures. Matter requires thorough investigation. Present petitioner is specifically named. Therefore, considering the gravity of offence, I do not find a fit case for grant of anticipatory bail and same is, accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

23.05.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

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