



CRM-M-41257-2024(O&M)

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THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+211

CRM-M-41257-2024(O&M)
Decided on: 17.09.2025

Shakil Khan

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Bolra, Chaudhary, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)**CRM-37355-2025**

The application is allowed as prayed for. Annexure P-10 is taken on record.

CRM-M-41257-2024(O&M)

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.22 dated 20.01.2024, under Sections 376, 420, 419 and 506 IPC, registered at Police Station Dabua, District Faridabad.

2. The contents of the aforesaid FIR are reproduced herein below:-

“Faridabad Sir, It is requested that I, xxxxxx daughter of Manoj am resident of BPT, Sector 75 and I am residing in my maternal house at Pali from last one month. My mother namely xxxxxx is running Saloon in partnership from last five years in No. 5. Shakil Khan aged about 21 years mobile No. 87005xxxx was working in our Saloon from last five years. About two years ago, Shakil ask me to talk him and thereafter I started talking. Whenever we talked, then he recorded the said conversation. We kept on talking for some



days but when my mother came to know about it, then I stopped to talk him but Shakil use to chase me at my house, school and other places where I gone. I told him that I will inform my parents about it then he threatened me on the basis of said recording and told me that you talk me otherwise I will send this recoding to your parents, due to this fear, whenever I found time, I talked to him Thereafter Shakil by making him phone call. started calling me to meet him, I refused him for it but he kept on chasing me everywhere, due to which, I went to meet him in Oyo Hotel Sainik Colony, where he forcibly done bad acts with me and also made my vulgar video, I restrained him for, but he said that he will keep it for some days and then he will delete it. But he has not done so and kept on fearing me under the pretext of said video. I tried my best for many times to get the said video deleted from him, he deleted video before me but keep the video on or call recording save some where else. I was not having mobile phone and did not talk to him and used to harass at night. Whenever he called me at hotel, he use to get my signature on ID of Pooja. He used to call my mother Poonam at mobile No. 828573xxxx. There is one App in his phone, vide which, he was making phone calls from different new number. I am staying at my maternal house (Nani's house) at village Pali from some days and Shakil was making phone call at mobile No.947167xxxxx of my maternal aunt and was asking about me, my maternal aunt has refused him then he used to harass her by making phone calls in day and night. My maternal aunt told me that I am receiving such type of calls and when I talked then Shakil told me that you come to make physical relations with me, you have to come right now, if you refuse me then I will send your all videos prior to the morning time. I got scared. Shakil was making phone calls time and again on the mobile number of my maternal aunt. Thereafter I talked to him after some time and told him that after sleeping of all family members, I will come. After sleeping of all, I thought that how I get rid from Shakil., I had picked Dat used for cutting of wooden and concealed the same in my shawl and got out from the house without making any noise. Shakil was standing in the street on his bike, it was around 1.00 AM (after mid night). Shakil has made to sit me on his bike and had gone toward Ballabgarh side. I told him that there is injury on my foot, you stop the bike, Shakil has stopped his bike and after stopping bike, Shakil started pulling me towards him, then I had given blow of Dat on his head which was kept in my shawl, I was



fed up due to his said acts. I had given blow on his head to save me because Shakil had forcibly 9471670725 of my maternal aunt and was asking about me, my maternal aunt has refused him then he used to harass her by making phone calls in day and night. My maternal aunt told me that I am receiving such type of calls and when I talked then Shakil told me that you come to make physical relations with me, you have to come right now, if you refuse me then I will send your all videos prior to the morning time. I got scared. Shakil was making phone calls time and again on the mobile number of my maternal aunt. Thereafter I talked to him after some time and told him that after sleeping of all family members, I will come. After sleeping of all, I thought that how I get rid from Shakil., I had picked Dat used for cutting of wooden and concealed the same in my shawl and got out from the house without making any noise. Shakil was standing in the street on his bike, it was around 1.00 AM (after mid night). Shakil has made to sit me on his bike and had gone toward Ballabgarh side. I told him that there is injury on my foot, you stop the bike, Shakil has stopped his bike and after stopping bike, Shakil started pulling me towards him, then I had given blow of Dat on his head which was kept in my shawl, I was fed up due to his said acts. I had given blow on his head to save me because Shakil had forcibly 9471670725 of my maternal aunt and was asking about me, my maternal aunt has refused him then he used to harass her by making phone calls in day and night. My maternal aunt told me that I am receiving such type of calls and when I talked then Shakil told me that you come to make physical relations with me, you have to come right now, if you refuse me then I will send your all videos prior to the morning time. I got scared. Shakil was making phone calls time and again on the mobile number of my maternal aunt. Thereafter I talked to him after some time and told him that after sleeping of all family members, I will come. After sleeping of all, I thought that how I get rid from Shakil., I had picked Dat used for cutting of wooden and concealed the same in my shawl and got out from the house without making any noise. Shakil was standing in the street on his bike, it was around 1.00 AM (after mid night). Shakil has made to sit me on his bike and had gone toward Ballabgarh side. I told him that there is injury on my foot, you stop the bike, Shakil has stopped his bike and after stopping bike, Shakil started pulling me towards him, then I had given blow of Dat on his head which was kept in my shawl, I was fed up due to



his said acts. I had given blow on his head to save me because Shakil had forcibly committed rape upon me and he was not leaving me, thereafter bleeding started from the head of Shakil, he removed his jacket and came towards me then given second blow of Dat to save me and thereafter I thrown the Dat there and ran away from there. I had attacked to Shakti being fed up of your said acts has he has committed rape upon me for many times. Legal action be taken against him.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant FIR. The petitioner and the prosecutrix were in a consensual relationship, there is no medical evidence to substantiate the allegations levelled against the petitioner. Rather, it was the prosecutrix who had admittedly inflicted injuries on the person of the petitioner. The petitioner, a young boy of 21 years old, has already undergone a custody period of 01 years, 07 months and 23 days and there is one another case registered against the petitioner in which he is on bail

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. 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 01 year, 07 months and 23 days and there is one more case registered against him. He on instructions from investigating officer submits that charges were framed on 01.08.2024 and out of a total of 18 prosecution witnesses, 03 have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner 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 24.01.2024. 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 01.08.2024 and out of a total of 18 prosecution witnesses only 03 have been examined till date. The culpability, if any, would be determined at the time of 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. 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. 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.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

17.09.2025

Kapil

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No