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

CRM-M-27739-2025 (O&amp;M)

Date of Decision:- 13.08.2025

**Wasim Ahmad**

...Petitioner

Vs.

**State of Haryana**

...Respondent

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Ms. Pooja Jaglan, Advocate  
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

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**AMARJOT BHATTI, J.(Oral)**

1. Petitioner – Wasim Ahmad has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 72 dated 03.02.2024 under Section 323, 376(3) and 376DA of IPC (charges framed under Section 120B/363/366/323/201/376 IPC and Section 22, 4 and 17 r/w 4 of POCSO Act) registered at Police Station Chandni Bagh, District Panipat.

2. As per the facts of case, prosecutrix gave her statement that she had visited the house of her maternal uncle Sajid along with her mother for about 15 days. On 03.02.2024, at about 02 O' clock, she along with her mother Farmina had gone to Mittal Mega Mall, Panipat and on their way back, when they reached near Petrol Pump near Gaal, Khalil and Talib, residents of Khelkalan Mohalla, Kerana came on motorcycle. Talib made



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her sit on motorcycle and took her to an unknown place where they did wrongful act with her. When she protested, he hit her against the wall. Thereafter, both of them ran away. She took help of an Auto Rickshaw driver who brought her back near Mittal Mall where her mother was searching for her. With these allegations, present FIR has been registered.

During investigation, statement of prosecutrix was again recorded under Section 164 Cr.P.C. where prosecutrix referred to the conspiracy hatched by Gullo, Gulbahar, Wasim Ahmad, Sarfaraz and Naushad to name Talib and Khalil in the said occurrence.

3. Learned counsel for petitioner argued that Wasim Ahmad has been falsely implicated in this case. Initially prosecutrix had levelled allegations against Talib and Khalil who were wrongly found innocent by the Investigating Agency. First statement of prosecutrix was recorded under Section 164 Cr.P.C. dated 4.2.2024 (Annexure P-2) where Talib and Khalil were named and again another statement of prosecutrix was recorded under Section 164 Cr.P.C. dated 26.4.2024 (Annexure P-4), where present petitioner and other co-accused were named. Now, statement of prosecutrix has been recorded as PW-1 (Annexure P-5), where she did not support prosecution case and no allegation has been levelled against petitioner. It is pointed out that other co-accused Sarfaraz, Sartaj, Farmina and others have been granted bail by this Court vide order(s) dated 20.12.2024, 20.12.2024 and 21.03.2025 passed in CRM-M Nos. 59185, 59548 of 2024 and 4743, 4749, 4777 of 2025, which are Annexures P-6 to P-8 respectively. He was arrested in this case on 26.04.2024 and till date he is behind the bars. He is ready to abide by terms of bail order. It is prayed



that his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. Regarding other co-accused, on completion of investigation, challan was presented on 24.06.2024 and regarding present petitioner Wasim Ahmad, supplementary challan was presented on 28.11.2024. Thereafter, fresh charges were framed against all accused persons. At present three prosecution witnesses have been examined and trial is going on for recording statements of remaining prosecution witnesses. Present petitioner alongwith other co-accused hatched conspiracy to falsely name Khalil and Talib for committing rape with prosecutrix. Other material witnesses are yet to be examined. It is conceded that other co-accused have been granted bail by this Court.

5. I have considered the arguments and have gone through the record carefully. As per contents of FIR (Annexure P-1) and statement of prosecutrix recorded under Section 164 Cr.P.C. dated 04.02.2024 (Annexure P-2), victim had named two accused namely Talib and Khalil for forcibly taking her away to a deserted place and committing rape with her. Name of present petitioner alongwith other co-accused cropped up when again statement of prosecutrix was recorded under Section 164 Cr.P.C. on 26.04.2024 (Annexure P-4). Now, trial is going on and statement of prosecutrix has been recorded as PW-1 (Annexure P-5) where she again reiterated her previous version naming Khalil and Talib for committing rape upon her. She has not named present petitioner as accused. It is matter of record that other co-accused have been granted bail by this Court. Trial in this case may take some time. No purpose would be



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served by keeping him behind the bars for indefinite time period. In the light of aforesaid factual position, regular bail petition filed by petitioner – Wasim Ahmad is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

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

13.08.2025

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

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No