

2025:PHHC:046050



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

Sr. No.205

**CRM-M-62705-2024 (O&M)
Date of decision : 04.04.2025**

Zahid Qureshi @ Jahid

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kunal Dawar, Advocate and
Mr. Nafees Ahmad Khan, Advocate
for the applicant-petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

CRM-13684-2025

This application has been filed for placing on record statement of complainant/prosecutrix, recorded before the trial Court as PW-1, dated 24.03.2025 as Annexure P4.

2 The application is allowed as prayed for. Statement of the complainant/prosecutrix is taken on record as Annexure P4.

CRM-13121-2025

3 This application has been filed for placing on record copy of FIR No.68 dated 27.01.2025, registered under Sections 308(2), 115(2) & 3(5) BNS at Police Station Surajkund, Faridabad as Annexure P3.

4 The application is allowed as prayed for. Copy of FIR as Annexure P3 is taken on record.

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**CRM-M-62705-2024**

5. The jurisdiction of this Court under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.307 dated 13.05.2024, under Sections 376(2)(n), 406 and 506 IPC, registered at Police Station Surajkund, District Faridabad.

6. The translated version of the FIR is reproduced below:-

'Statement of Haruni wife of Shaukin, resident of BC-4G, lane No.2, Badkhal Enclave, Faridabad, mobile number 7983194695, age 32 years, education 5th, has stated that I live at the above address and have three children. My husband is a taxi driver. One day I was sweeping outside the house. Then a boy was passing by and he was asking me for directions, so I was telling him the way, then Zahid Qureshi son of Nawab Qureshi resident of BC lane 2, Badkhal, who lives in front of my house. He made my photos and videos and called me and threatened me that I have taken your photos and I will show and tell these photos to your husband with wrong intentions, so I got scared and told him the whole truth that he was asking for directions, he did not agree and kept threatening me, then one day his wife (Reshna) called me, I was going to meet her, then Zahid Qureshi dragged me to the downstairs room and raped me forcefully, I kept crying and screaming but no one came there. Then he threatened me and said that I have made your video and photos. If you tell anyone about this, then I will show these photos and videos to your husband and will make them viral on social media. Then I came to my home and I got scared of Zahid's threats. And then after that Zahid started talking to me through video call, then he started saying that he took

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photos of my under body parts (private parts) using his phone's camera and has been blackmailing me with them. And whenever he feels like it, he calls me to his house and forcibly has physical relations with me. When I forbid him a lot, he repeatedly threatens to make the photos and videos viral. He also took number of my friend Afsana from my phone and he also started blackmailing her like me but my friend did not come under his influence and enquired about Zahid Kureshi with lovely talks and also enquired from me and I disclosed the entire thing to my friend Afsana wife of Arif, resident of Badkhal that Zahid Kureshi is physically assaulted me from last two years forcibly by blackmailing me. Today on dated 13.05.24, I alongwith my friend and husband came to police station and got recorded my statement in the presence of legal advisor. I am giving this statement in full conscious mind. A strict legal action may kindly be taken against Zahid Kureshi. I have heard my statement and is correct. Zaid Kureshi used to blackmail me and he took gold chain and ring from me for destroying photos and videos, even then he blackmailed me and did not destroy photo and video. I want to take legal action against him. Dated 13.05.2024. Sd/- Haruni. Statement recorded in my presence. Aarti Sharma Legal Aid Counsel. 987399985 L/SI Sd/- Saroj Kumari PS Surajkund Dated 13.05.2024.'

7. Learned counsel for the petitioner *inter alia* submits that the petitioner is a man of clean antecedents and has been falsely implicated in present case on the statement of the prosecutrix, leveling allegations of raping and threatening her. However, no specific date or time of the alleged incident finds mention in the FIR. There is also no plausible explanation as to why the prosecutrix did not resort to legal action against the petitioner for

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two long years, as has been alleged. Further, that there is no evidence on record to indicate towards the complicity of the accused. He also submits that the complainant has been examined before the trial Court. The petitioner has undergone an actual custody of 10 months and 19 day and there is no other criminal case registered against him.

8. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 10 months and 19 days. He on instructions from the concerned investigating officer submits that charges were framed on 07.11.2024 and out of a total of 20 prosecution witnesses, only 01 witness has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

9. Heard the rival submissions made by learned counsel for the parties.

10. A perusal of the case in hand transpires that the petitioner is behind the bar since 14.05.2024. 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 out of 20 prosecution witnesses, only 01 witness has been examined so far. 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

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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.**

11. Without commenting anything on the merits of the case, lest it may prejudice the trial, 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 he 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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12. 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.

13. 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.

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

(KIRTI SINGH)
JUDGE

04.04.2025

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No