

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

CRM-M-18925-2024  
Date of decision: 19.04.2024

Ikramuddin ...Petitioner

## Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Kunal Dawar, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case bearing FIR No.26 dated 28.05.2021 (Annexure P-1) under Sections 328/376-D/506/201 of IPC and Section 6 of POCSO Act and Section 67 of I.T. Act, registered at Police Station Women, Palwal, District Palwal, Haryana.

Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case. The victim/prosecutrix has been changing her stand on different occasions and the trial Court while acquitting the co-accused has returned a categorical finding that the prosecutrix is an untrustworthy and unreliable witness and there is no medical and scientific evidence to prove the complicity of the petitioner in the alleged offence. Moreover, the age of the prosecutrix has not been proved in

accordance with law and there is a delay of two years in the registration of the FIR.

Per contra, the learned State counsel submits that admittedly, the occurrence has taken place in the house of the petitioner and there are specific allegations against him that he has given a cold drink laced with some intoxicant substance to the prosecutrix and thereafter, she became unconscious and, thereafter, she was physically violated and when she regained consciousness, the petitioner showed her photographs clicked by him and kept on violating her by threatening her to circulate these obscene photographs. It is further contended that her ordeal at the hands of the petitioner did not stop even after her marriage and the accused has been harassing and troubling her. On 13.05.2021, obscene photographs of the prosecutrix were floated on the WhatsApp group by the accused/petitioner and it is further contended that the petitioner remained absconded for more than three years. There is no medical record to substantiate the averments made by the petitioner that he remained in *coma* for several months. It is duly proved on record that the victim kept on tolerating the atrocities committed by the accused and did not report the matter to anybody only for the sake of dignity and FIR (*supra*) was lodged with promptitude after her obscene photographs were circulated on the WhatsApp group.

Having heard learned counsel for the parties and after perusal of the record, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed. Keeping in view the facts and circumstances of the case, the custodial interrogation of the petitioner is required.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)  
JUDGE

19.04.2024  
Neha

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