

CRM-M-57466-2023 -1-

223 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-57466-2023
Date of decision: 12th January, 2024

Sahil Qureshi ...Petitioner(s)
Versus

State of Haryana ...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vijay Sangwan, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
264	03.05.2023	Palam Vihar, District Gurugram	201, 376(2) (n), 354-C, 342, 323, 506 of Indian Penal Code, 1860 (for short 'IPC, 1860')

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on a complaint filed by the complainant 'N' (name withheld) alleging therein that she had been residing in a paying guest accommodation at Gurugram. She had met the petitioner in June, 2020. The petitioner had started maintaining physical relations with her without her consent and had prepared her videos. Thereafter, he started blackmailing her by extending threats to make those videos viral. He even started threatening to kill her and physically assaulting her. He had also detained her illegally in Shahin Bagh area, Delhi and then she came to know that he had concealed from her that he belonged to a different religion.

Therefore, she prayed for taking penal action against him. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 25.05.2023. After completion of necessary investigation and usual formalities, challan was presented before the trial Court and presently he is facing trial for commission of the aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. Infact, both the parties are major and there was consensual physical relationship between them which fact has been admitted by the prosecutrix also not even in her statement recorded under Section 164 of Cr.P.C. but even in the Court. She has lodged this FIR against him only under the pressure of her family. There are no chances of his intimidating the victim as she already stands examined. The trial is likely to take time. The victim had even refused her medical examination. No useful purpose would be served by detaining him in custody anymore. Therefore, it is argued that he deserves to be given concession of bail.

4. Learned State counsel has contested the petition in terms of the contents of the status report and has argued that there are serious and grave allegations against the petitioner and therefore he does not deserve to be given concession of bail.

5. The petitioner is alleged to have subjected the victim to rape repeatedly, is alleged to have wrongfully confined her and further criminally intimidated her. Copy of the sworn statement of the victim has been placed on record, wherein she is shown to have admitted that she had been moving

CRM-M-57466-2023

-3-

around with the petitioner at different places and had even been staying with him and had physical relationship with him repeatedly. She has also admitted that she had been staying with the petitioner in hotel rooms at different places. As such, it is a debatable question as to whether it was a case of consensual relationship or of rape. The petitioner is in custody since 25.05.2023. There are no chances of his intimidating the victim who is the star witness of the case as she already stands examined. Trial is likely to take time. The victim had refused to get her medical examination conducted after lodging of FIR and as such, there can be no medical evidence of her being subjected to rape. Keeping in view the period of incarceration of the petitioner, the nature of the allegations as levelled as well as the evidence of the prosecution and the attendant facts and circumstances of the case but without making any comments on merits, I am of the considered opinion that the petition deserves to be allowed at this stage.

6. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been disposed of, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th January, 2024

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No