



CRM-M-4613-2025

-1-

210

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

**CRM-M-4613-2025
Date of Decision: 02.04.2025**

Mosam

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Tushar Gautam, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.36 dated 24.10.2021, under Sections 323, 354, 506, 201 IPC and Section 12 of the POCSO Act and Section 67-A of I.T. Act, registered at Women Police Station Nuh, District Nuh.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 26.09.2024 which is almost six months and the investigation of the case has already been completed and thereafter, the challan has also been presented before the competent Court. He further submitted that even as per the allegations, the main allegations were against the co-accused, namely, Abrar that he had clicked some obscene photographs of the daughters of the complainant, who are minor and had uploaded the same on social media and various threats were made. He also submitted that the aforesaid co-accused, namely, Abrar against whom the main allegations were levelled has already been extended the benefit of bail and so far as the present petitioner is

**CRM-M-4613-2025****-2-**

concerned, there is no direct allegations against him and therefore, he may also be considered for grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that it is a case where the allegations are very grave and serious in nature. He further submitted that the petitioner has been specifically named in the FIR and a direct role has been attributed to the petitioner that he along with the aforesaid co-accused, namely, Abrar clicked obscene photographs of two minor girls of the complainant, who are of the age of 16 and 17 years and not only this, they thereafter threatened both the girls that in case they do not agree to let them do the wrongful acts then their brothers and other family members will be killed because even as per the FIR, it has been so stated by the complainant that both the accused were also having a country-made pistol with them.

4. Learned State Counsel further submitted that so far as the present petitioner is concerned, he absconded for three years and earlier he filed the applications for grant of anticipatory bail before learned Sessions Court, Nuh and the same were dismissed on 09.02.2022 and 17.08.2022, respectively and thereafter, he filed a petition for grant of anticipatory bail before this Court which was also dismissed on 07.03.2022. He further submitted that in this way the petitioner absconded for a period of about three years and it was thereafter with great efforts he was arrested on 26.09.2024. He also submitted that considering the aforesaid conduct of the petitioner whereby his anticipatory bail was dismissed, he did not even surrender before the Court but ultimately he was arrested and there is a strong apprehension that in case the petitioner is released on regular bail, then he may again abscond and may even influence the remaining witnesses and therefore, the petitioner is not entitled for grant of



regular bail.

5. Learned State counsel while replying to the submissions made by the learned counsel for the petitioner that the aforesaid co-accused, namely, Abrar has already been extended the benefit of bail submitted that the present petitioner is not at parity with the aforesaid co-accused because of the aforesaid conduct of the petitioner whereby he absconded.

6. I have heard the learned counsels for the parties.

7. The custody of the petitioner is stated to be only six months and the investigation of the present case is stated to have been completed. The petitioner earlier had filed the applications for grant of anticipatory bail before learned Sessions Court which were dismissed vide orders dated 09.02.2022 and 17.08.2022 respectively and thereafter, a Co-ordinate Bench of this Court had also dismissed his petition for grant of anticipatory bail vide order dated 07.03.2022. As per the learned State Counsel, the petitioner absconded and he remained absconding for three years and with great efforts he was arrested on 26.09.2024. An apprehension has been expressed by learned State Counsel that in case the petitioner is released on bail, then he may again abscond and may influence the other material witnesses cannot be ignored and carries weight. Apart from the above, a perusal of the FIR would show that the petitioner has been named in the FIR and rather the allegations against him are also grave and serious in nature.

8. So far as the argument which has been raised by learned counsel for the petitioner with regard to claiming parity with the other co-accused is concerned, this Court is of the considered view that the petitioner is not at parity with the aforesaid co-accused, namely, Abrar because it is a case where the petitioner absconded for three years from the process of law despite his

**CRM-M-4613-2025****-4-**

anticipatory bail being dismissed and therefore, he cannot claim parity with the aforesaid co-accused.

9. In view of the aforesaid totality of the facts and circumstances of the present case, this Court does not deem it fit and proper to grant regular bail to the petitioner. Consequently, finding no merit in the present petition, the same is hereby dismissed.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

02.04.2025**(JASGURPREET SINGH PURI)***Bhumika***JUDGE**

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