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

CRM-M-5272-2025

Date of Decision:- 03.07.2025

ASPAK

....Petitioner

Vs.

STATE OF HARYANA AND ORS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Munfaid Khan, Advocate for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Khalid Tauru, Advocate for Mr. Deepak Grover, Advocate
for the respondent Nos.2 and 3.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.261 dated 19.09.2024 (Annexure P-1) under Sections 64 (1), 351 (2), 115, 3(5), 70 (1) of Bharatiya Nyaya Sanhita, 2023 and Section 25, 1 (B) of Arms Act, 1959 registered at Police Station Sadar Tauru, District Nuh.

2. As per facts of the case, complainant 'Z' filed written complaint for taking action against Sahil, Soyab, Jamsheed, Imran and Hiyat. It is alleged that he is father of 8 children. One of his daughter i.e. victim 'T' was born on 01.01.2005. She is handicapped from one hand and was studying in village school. House of Sahil was situated near their house who is involved



in several criminal cases. He used to tease his daughter i.e victim 'T'. Matter was compromised in panchayat, however, he was nursing grudge in his mind. He managed to take video of his daughter while she was taking bath. He started threatening his daughter to viral the said video on social media. By putting her under pressure, he committed rape with her. He used to enter his house at night time by climbing on roof and continued to rape her by threatening her with a pistol. Process continued in the year 2022 to 2023. He also provided anti pregnancy pills to his daughter. He provided his daughter 6 SIMs on which he used to call her and threatened her. He had sent his daughter to another village but he followed her. His wife is also mentally weak. He was beaten up by Sahil along with his companion Soyab, Jamsheed, Imran and Hiyat. On one occasion, Sahil was caught red handed and matter was also brought to the notice of Sarpanch. On 13.02.2024 he has performed marriage of his two daughters in village Bajidpur. Accused Sahil also went in the matrimonial home of his daughter and defamed her. He openly claimed that the victim was pregnant with his child. On 07.08.2024 his daughter gave birth to a male child in Civil Hospital Khera. Dispute took place regarding the paternity of the child. Victim was given divorce. On enquiry, victim told that she was already pregnant when her marriage was performed. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that Aspak petitioner was not named in the FIR nor her name figured when the statement of victim was recorded by the police. Copies of her statements are Annexures P-2 and



P-3. Present petitioner was falsely implicated on the disclosure statement of main accused Sahil. After completion of investigation, challan was presented and the prosecution evidence was recorded. Learned counsel for petitioner referred to the statement of victim examined as PW1 (Annexure P-12) and statement of father of the victim PW2 (Annexure P-13) where it has come on record that no wrongful act was done by the present petitioner. At present, DNA report of FSL Madhuban, Karnal Haryana has been received according to which DNA profile matched with co-accused Sahil. Petitioner is behind the bars since 13.11.2024. He is ready to abide by the terms of bail order. Therefore, his regular bail may be allowed.

4. Learned counsel representing State referred to the status report. Factual position is not disputed. Present petitioner Aspak @ Bindu was arrested in this case on 12.11.2024. Statement of victim was recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Annexure R-1) and copy of MLR of the victim is Annexure R-2. Name of petitioner cropped up subsequently. After completion of investigation, challan was presented on 23.12.2024. Charges are framed under Sections 351 (2), 64 (1) and 70 (1) of Bharatiya Nyaya Sanhita, 2023 on 10.03.2025 and now the case is fixed for prosecution evidence. It is confirmed that two of the prosecution witnesses are already examined. Today, learned counsel representing State placed on record copy of DNA report confirming matching with Sahil.

5. I have considered the aforesaid factual position. Trial is in progress. Present petitioner is behind the bars since 12.11.2024. It is matter



of record that statements of victim as well as her father/complainant have been recorded as PW1 and PW2 respectively (Annexures P-12 & P-13). Perusal of statement of the victim indicates that she has not levelled allegations against the present petitioner. Testimonies of prosecution witnesses and report of Forensic Science Laboratory will be appreciated by the trial Court at appropriate stage. Considering the aforesaid factual position and without going on the merits of the case, regular bail filed by the petitioner is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

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

(AMARJOT BHATTI)
JUDGE

03.07.2025

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