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

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Date of Decision:- 21.04.2025

Devendra Vishnoi alias Devender Budia

....Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Puneet Bali, Senior Advocate assisted by
Mr. Keshav Pratap Singh, Advocate,
Mr. Manvendra Singh Bishnoi, Advocate,
Ms. Tanya Kanwer, Advocate and
Ms. Niharika Mittal, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Gurminder Singh, Senior Advocate assisted by
Mr. Karmanbir Singh, Advocate,
Mr. Nitish Bansal, Advocate and
Mr. Kunal Goyal, Advocate
for respondent No. 2.

AMARJOT BHATTI, J.(Oral)

1. Petitioner Devendra Vishnoi alias Devender Budia has filed petition under Section 438 of Cr.P.C. (Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023) for grant of anticipatory bail in case FIR No. 16 dated 24.01.2025 under Section 342, 354D, 376(2)(n), 506 of IPC (Section 366 IPC added later) registered at Police Station Adampur, District Hisar, Haryana (Annexure P-12).



2. As per the facts of case, prosecutrix/victim 'M' filed written complaint to SHO, Police Station Adampur, Hisar against Devender Budia with allegations of rape and threat to kill her. Victim alleged that she is 20 years old girl. In the year 2022, she expressed her desire to family for going abroad. Her father in the year 2023 took her to meet Devender seeking his help in this regard. He assured that he helps people of Bishnoi Community and he will render help to her also. He stated that she would be sent to Australia and will enroll her for a course in Chandigarh and will also arrange expenses on behalf of community. Said Devender took her to Chandigarh by giving allurement and had sexual relations with her in Hyatt Hotel, Chandigarh in February 2024. He also prepared a video and threatened to kill her and her family in case she tried to act smart. He forcibly had sex with her and also used to consume drugs. After keeping her in his room in a hotel for night, on the next day she came to her P.G. She was admitted in Dolphin Head Hunters, Sector 34, Chandigarh for IELTS. She started doing said course. She received five bands, whereas, she required six bands for going to Australia. After few days, she returned to her village Adampur. Said Devender continued to talk to her from his mobile phone No. 9414128780 on her mobile phone No. 8222960229 through Whatsapp. Devender further asked her father to send her to Jaipur. In June 2024, her stay was arranged in a P.G. in Khatipura, Jaipur and was admitted in INS, Khatipura. In August 2024, Gaurav, P.A. of Devender came to her P.G. and she was taken to a flat belonging to Devender in Civil Lines, Jaipur. He was alone in flat and committed rape with her. On raising



protest, she was again threatened. He used to say that he would make her a star one day as he had close relationship with Salman Khan. She has referred to other incidents of rape in August and September 2024 at Jaipur. Finally in November 2024, when nothing positive happened she came to her village. Devender kept on harassing her by calling on her phone. She told Devender that she will disclose about his conduct to everyone, on this he again threatened to kill her and her family. She remained under depression. Thereafter, matter was reported to police and present FIR has been registered.

3. Learned Senior counsel for petitioner denied all the allegations detailed in FIR. It is pointed out that present petitioner is President of Akhil Bhartiya Bishnoi Maha Sabha which is a highest social body of Bishnoi Community. He was appointed as President of Bishnoi Maha Sabha on 11.10.2021 (Annexure P-1). He is involved in social welfare works and activities, photographs are Annexure P-22. He also provided financial support to students of Bishnoi Community. List of donations done by him is Annexure P-24. It is pointed out that false FIR has been registered on account of friction between petitioner and local significant politician who was raising demand of 10 crores rupees for election of his son, in the month of October 2024. There was demand for a sum of Rs. 17,30,000/- for an international trip. He could not satisfy said demand. As a result of aforesaid reasons, he is falsely booked in present FIR. Learned counsel for petitioner referred to address of present petitioner to his community through Facebook post and Facebook live video, Annexures P-5 and P-6.



On 12.11.2024, local significant politician from Adampur removed petitioner from the post of President of Bishnoi Maha Sabha and nominated other person vide letter dated 12.11.2024 (Annexure P-10). It is pointed out that present FIR is politically motivated to harm his career.

Regarding the contents of FIR, learned counsel for petitioner pointed out that petitioner provided help to members of Bishnoi Community. He provided financial support to students to pursue their career. He helped complainant for joining the course for IELTS in Chandigarh. He provided her financial help. Online transfer receipts are Annexure P-15. Complainant took his contact number 9414128780 and started calling him on Whatsapp from her No. 8222960229. Later on, petitioner found the behaviour of complainant odd and bizarre as she started making calls to him even during odd hours. She repeatedly raised demand for money. Detail of Whatsapp chats are Annexures P-16 and P-17. Allegations of rape in February 2024 are false. He had visited Chandigarh for his personal obligation. Thereafter, on 15.02.2024, he had gone to Dubai and landed in Bombay. Copies of Boarding Pass are Annexures P-18 to P-20. Petitioner denied allegations of rape in Hyatt Hotel, Chandigarh. In fact, complainant was asking for money time and again which are detailed in para No. 39 (xiv). It is further denied that complainant was raped in a flat situated in Civil Lines, Jaipur. In fact, he is running a social Dharamshala and petitioner is owner of four floors and basement in building. Said Dharamshala was functioning till January 2025 and after the registration of present FIR said Dharamshala has been



shutdown. Learned counsel for petitioner referred to register maintained in Dharamshala (Annexure P-23) where there is entry of several persons visiting said Dharamshala and complainant had also stayed along with her relative. Learned counsel for petitioner argued that no occurrence took place at Adampur. Therefore, there was no occasion for registration of present FIR at Police Station Adampur, District Hisar. Even if a conduct of complainant is considered, at the most, it is a case of consensual relationship. Petitioner is a social worker having respect in community. He is not likely to abscond. He is ready to join investigation as and when required. Therefore, his anticipatory bail petition may be allowed.

4. Anticipatory bail petition is opposed by learned Senior counsel representing complainant as well as learned counsel representing State of Haryana. It is pointed out that prosecutrix/victim is a young girl of 20 years of age who was allured by petitioner for sending her to Australia and taking undue benefit of her young age, she was repeatedly raped by petitioner. Petitioner used to talk to prosecutrix/victim through Whatsapp call on her mobile phone. This fact is not denied by petitioner. Prosecutrix confirmed the allegations in her statement recorded before the Magistrate under Section 164 Cr.P.C., which is Annexure R-1. Copy of her MLR is Annexure R-2. Visit of present petitioner and prosecutrix in Hotel Hyatt, Chandigarh is confirmed from the booking record of hotel (Annexure R-4). There is call detail record and location chart confirming the presence of petitioner and prosecutrix at Hotel Hyatt, Chandigarh and Civil Lines, Jaipur. Record of admission in P.G., Jaipur is also collected where in



application form petitioner had signed as her guardian. Copy of application form is Annexure R-7. It is pointed out that there are specific serious allegations against petitioner. He is yet to join investigation. His mobile phone is yet to be recovered in which he had recorded obscene video of prosecutrix/victim. There is constant threat to the life of prosecutrix and her family. Therefore, considering the gravity of offence, anticipatory bail petition filed by petitioner deserves dismissal.

5. I have considered the arguments and have gone through the aforesaid record carefully. Facts narrated in FIR indicates that prosecutrix came in contact with petitioner in 2023 when she approached him seeking help for going abroad. He being President of Akhil Bhartiya Bishnoi Maha Sabha assured to provide help to the prosecutrix for achieving her dream for going to Australia. It is not disputed by petitioner that he remained in touch with prosecutrix through mobile phone. Petitioner has annexed online transfer receipts from 23.09.2023 to 19.12.2023 (Annexure P-15) vide which he transferred total sum of Rs. 44,000/- to prosecutrix. He has also annexed detail of Whatsapp calls from December 2023 onwards (Annexures P-16 and Annexure P-17). He has given detail of money transfer to prosecutrix in Para No. 39(xiv) of bail application. As per his version he has transferred more than Rs. 2 lacs during this entire period. Prosecutrix has alleged first incident of rape in Hyatt Hotel, Chandigarh in February 2024 and thereafter, she has referred to subsequent incidents of rape in August 2024 and September 2024 at flat of petitioner in Civil Lines, Jaipur. Initially she was kept in Chandigarh for IELTS course. Later on she

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was shifted to Jaipur for taking admission in another institute. Prosecutrix has levelled allegations of rape and continuous threats given by petitioner. On the other hand, petitioner firstly claimed that due to political reasons this false FIR has been registered. Secondly, he claimed that it was the prosecutrix who was calling him time and again to extract more money. Thirdly, it is argued that their relationship was consensual. Learned counsel representing State assisted by learned counsel for complainant apart from the version of prosecutrix referred to call detail record and location chart to corroborate allegations detailed in FIR. There are allegations that petitioner also prepared obscene video of prosecutrix and said mobile phone is yet to be recovered. Prosecutrix claimed that she was sexually exploited by giving allurements of sending her to Australia.

In the light of this, there are serious allegations against petitioner. Matter requires thorough investigation. Considering the gravity of offence, I do not find it appropriate to release petitioner on anticipatory bail. Consequently, anticipatory bail petition filed by petitioner Devendra Vishnoi alias Devender Budia stands dismissed.

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

21.04.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

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