



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

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CRM-M-23348-2025

Date of decision : 06.08.2025

Sharfraj Alam @ Mohamad Sarfraj Alam

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vipin Kumar Sharma, Advocate for the petitioner.

Mr. Hemant Aggarwal, D.A.G., Punjab.

Mr. Sunil Kumar Rahilla, Advocate for the complainant.

NAMIT KUMAR, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.129 dated 10.11.2024 registered under Section 64 of Bharatiya Nyaya Sanhita, 2023 (Section 123 of BNS was added later on) at Police Station Division No.5, District Police Commissionerate, Jalandhar.

2. Status report by way of an affidavit of Sh. Sarvanjit Singh, PPS, Assistant Commissioner of Police, West, Jalandhar, on behalf of respondent No.1-State, filed in the Registry is taken on record.

3. Brief facts of the case are that the prosecutrix made a complaint to the police alleging therein that since she often remain ill and no medicine is working upon her, therefore, one day her husband took her to an Occultist (Tantrick) namely Sharfraj Alam (the present petitioner) for her treatment. He has prepared one Tabiz and given to her



to tie the same on the banks of canal. The said Tabiz was taken by her brother-in-law namely Afrool. The petitioner had asked her husband to sit outside and took her inside the room. After entering into the room, the petitioner had bolted the door and given some intoxicating medicine to her. On which she became semi unconscious and then the petitioner removed her clothes and committed unnatural sex with her in a forcible manner. When her husband started knocking at the door and given threat that he would break the door, then the petitioner came outside and fled from the spot. On the basis of said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that no such incident, as alleged in the FIR, has occurred. The prosecutrix who has been examined before the Trial Court as PW-1 has not supported the case of the prosecution and has turned hostile. Similarly, her husband and brother-in-law, who have been examined before the Trial Court as PW-2 and PW-3, respectively, have also not supported the case of the prosecution and have turned hostile.

5. Learned counsel for the petitioner further submits that the petitioner is behind the bar since 11.11.2024 and not involved in any other case. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 16 prosecution witnesses, only 05 have been examined so far. The trial is likely to take a considerable time to conclude and therefore,

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no fruitful purpose would be served by detaining the petitioner behind the bars.

6. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner has forcibly committed rape upon the prosecutrix. However, he could not refute the factual position that out of total 16 prosecution witnesses, only 05 have been examined so far. He has also filed custody certificate dated 05.08.2025 which is taken on record. As per the custody certificate, the petitioner is behind the bar since last more than 08 months and he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the record.

8. Keeping in view the custody period of petitioner which is 08 months and 24 days and the facts that the prosecutrix, her husband and her brother-in-law have not supported the case of the prosecution in their statements recorded before the Trial Court and have turned hostile; investigation has been completed; challan has been presented; charges have been framed and out of total 16 prosecution witnesses, only 05 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The petition stands disposed of accordingly.



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

06.08.2025

(NAMIT KUMAR)
JUDGE

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No