



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

218+106

Date of decision : 22.08.2025

(i)

CRM-M-23334-2025

Mohd. Galib @ Gallaf

.....Petitioner

versus

State of Haryana and another

.....Respondents

(ii)

CRM-M-12191-2025 (O&M)

Waseem @ Waseem Akaram

.....Petitioner

versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Rosi, Advocate
for the petitioner in CRM-M-23334-2025.

Mr. Saleem Ahmed, Advocate
for the petitioner in CRM-M-12191-2025.

Ms. Priyanka Sadar, Senior D.A.G., Haryana.

Mr. Anshul Khurana, Advocate for the complainant.

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of both the abovesaid petitions, as the same have been arisen out of the common FIR.

2. The present petitions have been filed by the petitioner(s) under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.27 dated 28.09.2023 registered under Sections 328, 365, 376-D, 120-B and 506 of Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offence Act, 2012 at Women Police Station, District Nuh.

3. Status report by way of an affidavit of Sh. Prithvi Singh, HPS, Deputy Superintendent of Police, Nuh, on behalf of the respondent-State, filed in the Registry in CRM-M-23334-2025 is taken on record. Status report in CRM-M-12191-2025 is already on record.

4. Brief facts of the case are that the father of the victim made a complaint to the police alleging therein that on 23.09.2023, at about 3:30 PM, while his daughter, who is 16 years old, was present at home, Miskina visited their house and took his daughter along with her on pretext of some urgent work. As soon as they reached in the jungle of Ratha, a white car arrived, Miskina pushed the victim inside the car wherein two boys were present. Their names later came to be known as Gallaf and Amjad, they threatened to kill the victim and took her to village Shikrawa where another boy Waseem joined them in the car. All three boys threatened to kill the victim if she raised alarm and took her to the jungle of Shikrawa. They kept roaming at various places and in the evening they took her to a hut where all three boys committed rape upon her turn by turn and confined her at the said place for the whole night. On 24.09.2023, they made the victim drink some intoxicant substance in cold drink and thereafter she lost consciousness to some extent. Thereafter, she was taken to Ferozepur Jhirka, where she was confined in a house and at night time, she was again taken to the same hut and Gallaf committed rape upon her during the night. The accused were seeking guidance from Waseem by making telephonic calls to him. Amjad remained at the said place and Waseem and Gallaf took the victim to the house of Waseem's uncle where Gallaf committed

wrongful act with her and brought the victim back to Shikrawa at night. They sent Noman to drop the victim at home on a bike, however, Noman dropped her at Utawar turn near the petrol pump and fled away. A passer by enquired from the victim whereupon she narrated the entire occurrence to him, he made telephonic call to complainant's brother and at about 3:00 AM on 26.09.2023, complainant's brother brought the victim back home. On the basis of the said complaint, the instant FIR was registered.

5. Learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in the present case. No such incident, as alleged in the FIR, has ever occurred. They submit that the victim, who has been examined before the Trial Court as PW-2, has not supported the case of the prosecution and turned hostile. In her testimony, the victim stated that nothing wrong took place with her and she does not know the accused persons namely Galib @ Gallaf, Amjad and Waseem and they did not kidnap her and also did not give her anything to eat.

6. Learned counsel for the petitioners further submit that the petitioner-Galib @ Gallaf is behind the bars since 04.03.2024 and petitioner-Waseem @ Waseem Akaram is behind the bars since 24.07.2024. They also submit that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 19 prosecution witnesses, only 04 have been examined so far. The trial is likely to take a considerable time to conclude and therefore,

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

7. Per contra, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer for grant of regular bail to the petitioners on the ground that the allegations against the petitioners are serious in nature. However, she could not refute the factual position that out of total 19 prosecution witnesses, 04 have been examined so far. She has also filed custody certificates dated 20.08.2025/21.08.2025 in the Court which are taken on record. As per the custody certificates the petitioners are behind the bars since more than last one year. She further submits that although, petitioner-Galib @ Gallaf is not involved in any other other case, however, petitioner-Waseem @ Waseem Akaram is also involved in another case i.e. FIR No.102/2022 registered under Section 279 & 337 of IPC at Police Station Uttawar, Palwal.

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

9. Keeping in view the custody period of petitioner-Galib @ Gallaf which is 01 year, 05 months and 16 days and petitioner-Waseem @ Waseem Akaram which is 01 years and 25 days and the facts that the victim has not supported the case of the prosecution in her statement recorded before the Trial Court and has turned hostile; investigation has been completed; challan has been presented; charges have been framed and out of total 19 prosecution witnesses, 04 have been examined so far and the trial may take a considerable time to conclude, therefore, the

petitioners are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

10. The petitions stand disposed of accordingly.
11. 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 petitions only.
12. Pending applications, if any, shall stand disposed of accordingly.

22.08.2025
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Whether speaking/reasoned:
Whether Reportable:

(NAMIT KUMAR)
JUDGE

Yes/No
Yes/No