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

CRM-M-26408-2025

Date of Decision:- 03.07.2025

Sabir

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gautam Dutt, Advocate and
Mr. Rishav Singla, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Sabir has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 0207 dated 11.05.2022 under Section 363, 366, 376-D, 506 of IPC and Section 6 of POCSO Act, (Amended) 2012 registered at Police Station Sadar Tauru, District Nuh.

2. Facts of the case are that prosecutrix gave her statement that she is 16 years old girl. On 10.05.2022 at about 03:00 PM, she had gone alone to the fields to fetch fodder. Taking advantage of this, Shad and Taufeeq came from behind on Apache bike and forcibly made her to sit on their motorcycle. She tried to scream but they shut her mouth. They travelled for some distance where a car was parked near Railway line. She was forcibly made to sit in the said car in which four men were sitting. She was threatened to kill. They took the car towards Sohna, where Shad and



Taufeeq followed on a bike. They took her to hills of Sohna and parked the vehicle. All of them committed rape with her against her wishes and clicked obscene photographs and also prepared video. They threatened to kill her and her family and also threatened to upload the video. They kept on roaming from one place to other and finally dropped her near Sohna Bus Stand and fled away. She was brought to Sohna City Police Station by passer-by and her family was informed. She was medically examined. She prayed for legal action against the wrong doers.

3. Learned counsel for petitioner argued that petitioner Sabir was falsely implicated in this case. Prosecutrix had named four persons and two unknown persons. He is neither named in FIR nor named in statement of prosecutrix recorded under Section 164 Cr.P.C. After completion of investigation, challan was presented and now statement of prosecutrix has been recorded as PW-2 (Annexure P-4), where she again categorically stated that present petitioner was not among those boys who committed wrongful act with her. Petitioner was arrested in this case on 22.08.2024 and till date he is behind the bars. Petitioner is ready to abide by terms and conditions of bail order. It is prayed that his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Aforesaid factual position is not disputed. As per status report, Sabir was owner of car bearing No. HR-74A-7525, Marka Wagon R. It is pointed out that he was actively involved in commission of crime, therefore, he is not entitled to be released on bail. Regarding accused Saad, Irshad, Asif and Majid alias Majji named by prosecutrix are concerned, as per para No. 11

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of status report, they were found to be innocent and were kept in column No. 2 of challan report. After completion of entire investigation, challan is already presented against Sabir on 19.11.2024 and prosecution witnesses are being examined.

5. I have considered the arguments and have gone through the record. It is matter of record that when FIR was lodged at the instance of prosecutrix and her statement was recorded under Section 164 Cr.P.C., present petitioner was not named. Accused persons named in FIR are found to be innocent by Investigating Agency. Sabir was arrested on 22.08.2024 and he is facing trial. At present, statement of prosecutrix is already recorded (Annexure P-4) and she categorically stated that Sabir was not among those persons who committed wrongful act with her. Facts of the case and evidence on record is to be appreciated by trial Court. Considering the aforesaid factual position, without going on merits of the case, regular bail petition filed by petitioner Sabir is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

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

03.07.2025*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No