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

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**CRM-M-29163-2025(O&M)
Date of decision: 29.09.2025**

HAMID**....Petitioner****Versus****STATE OF HARYANA AND ANOTHER****...Respondents****CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present : Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH. J.(Oral)

The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.196 dated 09.06.2023, under Sections 376D, 365, 506 and 201 of IPC, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 66E, 67A of IT Act registered at Police Station Ferozepur Jhirka, District Nuh, Haryana.

2. The translated version of the FIR is reproduced below:-

“To The Honorable Station Manager, Police Station Firozpur Jhirka Subject: Application regarding legal action to be taken against the following individuals: 1. Hamid, son of Pappu, 2. Saad, son of Yusuf 3. Aslam, son of Ilyas, 4. Sajid, son of Zakir, son of Rujdar, 5. Jahool, son of Sabbir, 6. Wasim, son of Imran, 7. Tahseem, son of Imran, son of Sahab Khan 8. Haroon, son of Issi alias Islamuddin, all residents of Village Ghata Shamsabad, Police Station Firozpur Jhirka, District Nuh and 9. Saharukh Naharika 10. Munfed Khan Naheda.



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They conspired and forcibly abducted me at gunpoint with the intent to rape, defame, and make an obscene video viral. The petitioner humbly submits the following:

1. That the petitioner and his family are peaceful people and engage in farming work. 2. That on 02-06-2023, I saw a video on Facebook that showed my sister xxxx, daughter of Habib, in which some boys from Village Ghata Shamsabad were seen raping my sister and making a video of it. 3. When I asked my sister xxx about this, she told me that on the night of 15-12-2022, at around 12:00 a.m., she went to the toilet, which is located in her house. At that time, her neighbor Wasim, son of Imran, son of Rujdar, was talking to someone on the phone. As soon as she came out of the toilet, the accused: 1- Hamid, son of Pappu, 2- Saad, son of Yusuf, 3- Aslam, son of Ilyas, 4- Sajid, son of Zakir, son of Rujdar, 5- Jahool, son of Sabbir, residents of Ghata Shamsabad, Police Station Firozpur Jhirka, District Nuh. Forcibly grabbed her, covered her mouth with a cloth, and abducted her at gunpoint. They took her to an empty house (which belonged to Iqbal, son of Suleman). There, the aforementioned accused took turns raping her against her will, all the while making a video of it. When she resisted, they threatened her, saying they would kill her, and warned that if she told anyone or took legal action, they would make the obscene video viral on social media and ruin her family's reputation. Afterward, when she got a chance to escape, Aslam said while leaving, "We have made your video." Out of fear, she didn't tell anyone about this. Even after this incident, the accused kept threatening and blackmailing her, and continued to rape her one by one. 4. That Tahseem, son of Imran, son of Sahab Khan, Haroon, son of Issi alias Islamuddin, all residents of Village Ghata Shamsabad, Police Station Firozpur Jhirka, District Nuh, along with Saharukh Naharika (Aslam's driver) and Munfed Khan, son of Naheda, made this obscene video viral using their Facebook IDs, and we have evidence of this video. 5. That when I complained to the families of



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the accused and said that their sons had raped my sister, made a video of it, and even made it viral on social media, I explained that my sister is already married, and this incident has destroyed her life. Our family's reputation has been ruined, and we are now unable to show our faces in society. 6. That the families of the accused threatened to kill us and said that if we took any legal action, they would kill us. The accused belong to an influential family, and we fear for our lives and safety. They also threatened that if we pursued any legal action, they would do the same to our other sisters and daughters as they did to xxxx. Therefore, I humbly request that a case be registered against the accused and the strictest legal action be taken.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the brother of the prosecutrix. There is a delay of nearly 06 months in lodging the present FIR. Even the age of the prosecutrix being less than 18 years at the time of the alleged occurrence is not proved. Furthermore, there is no medical evidence available on record to substantiate the allegations so levelled. There is also no allegations against the petitioner of circulating any obscene video of the prosecutrix. Learned counsel submits that the similarly placed co-accused has already been granted concession of regular bail by this Court vide order dated 26.03.2025 passed in CRM-M-54533-2024. The petitioner has undergone an actual custody of 01 year and 10 months and there is no other case registered against the present petitioner.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate in Court today and the same is taken on record. As per custody



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certificate, the petitioner has undergone an actual custody of 01 year and 10 months and there is no other case registered against the present petitioner. He on instructions submits that charges were framed on 21.02.2024 and out of a total of 14 prosecution witnesses, only four have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 29.11.2023. Investigation is complete. One other co-accused has already been granted concession of regular bail by this Court vide order dated 26.03.2025 passed in CRM-M-54533-2024. The material witnesses stand examined. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress, as charges were framed on 21.02.2024 and out of a total of 14 prosecution witnesses, only four have been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to



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be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

10. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

29.09.2025
Kavita

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