

CRM-M-37993-2024(O&M)

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

212+102**CRM-M-37993-2024(O&M)**

Date of Decision:- 14.05.2025

Azad

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ravi Malik, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

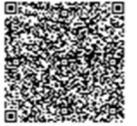
Mr. Aniket Singh Chauhan, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioner Azad has filed petition under Section 438 of Cr.P.C. for grant of pre-arrest bail in FIR No.879 dated 14.11.2023, under Section 354-D of IPC (Section 376 of IPC was added later on), registered at Police Station Assandh, District Karnal (Haryana) (Annexure P-1).

2. As per facts of the case, prosecutrix gave her statement to the police that she was continuously harassed by one Azad son of Jai Bhagwan on phone day and night. He is also threatening to put her video and photographs on net. If she said anything to him, he started abusing her. With these allegations, present FIR has been registered.

3. As per the status report, initially FIR was registered under Section 354-D of IPC. During investigation, statement of prosecutrix was



recorded under Section 164 Cr.P.C. and thereafter, offence under Section 376 of IPC was added.

4. Learned counsel for petitioner argued that all allegations levelled against him are false and without any basis. In the FIR, there was no reference of offence under Section 376 of IPC. Her version cannot be believed. His anticipatory bail application was wrongly declined by learned Additional Sessions Judge, Karnal vide order dated 23.01.2024 (Annexure P-2) without considering the facts and the merits of the case. He is not involved in any other case nor he is a previous convict. He is ready to join the investigation as and when required.

5. Learned counsel representing State opposed the bail petition. Statement of prosecutrix recorded under Section 164 Cr.P.C. is Annexure R-1) where she has narrated the facts in detail how she was threatened and sexually abused. It is pointed out that petitioner has wrongly claimed that he is not involved in any other FIR. In fact, as per para No.8 of the status report dated 16.01.2025, he is involved in 02 other criminal cases i.e. FIR No.70 of 2019, registered at Police Station Assandh, under Sections 395, 397, 384, 427, 452 of IPC pending adjudication for 10.02.2025 and another FIR No.41 of 2016, under Section 365 of IPC which was later on cancelled. Custodial interrogation of petitioner is required. Mobile phone is to be recovered. Therefore, petitioner is not entitled to be released on anticipatory bail.

6. I have considered the aforesaid factual position. As detailed in the status report, petitioner was involved in 02 other criminal cases as referred above, one is still pending whereas in the other case cancellation



was done. In para No.8 of the anticipatory bail petition, it is wrongly claimed by him that he is not involved in any other case. It is matter of record that initially FIR was lodged on the statement of prosecutrix narrating the facts in brief, later on when she was produced before the Magistrate for recording of her statement, she has narrated the facts in detail as mentioned in Annexure R-1. Allegations are specific and serious in nature. Mobile phone used for clicking photographs is yet to be recovered.

Considering the aforesaid factual position, I do not find a fit case for grant of anticipatory bail and the same is accordingly declined.

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

14.05.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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