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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-45806-2025****Reserved on: 26.08.2025****Pronounced on: 28.08.2025****Shokeen****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM : HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Kshitiz Bharati, Asst. A.G. Haryana.

SHALINI SINGH NAGPAL, J.

1. First petition under Section 483 Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner for grant of regular bail in case vide FIR No.18 dated 30.01.2025 registered under Sections 64(1), 61(2) and 140(3) of Bharatiya Nyaya Sanhita, 2023, Police Station Sadar Ferozepur, Jhirka, District Nuh, Haryana.

2. Complainant alleged in the First Information Report that she belonged to caste Meo and she and her husband were labourers. On 18.01.2025, at about 07.30 P.M., she went to the forest area to relieve herself. Shokeen s/o Isha took her to somebody's house from where he took her to the forest and raped her forcibly. He was caught red handed. On 04.07.2024, he again committed the same crime. His sister-in-law, namely Miskina wife of Faruk and brother Sharif s/o Isha also supported him. At that time, those persons prepared a video capturing her nude. On 17.07.2024,

accused threatened to make the video viral and to defame her, if she dared to complain against them. On that account, she changed her statement in the Court at Ferozepur Jhirka, District Nuh. Her family members tried to settle the matter with the intervention of *biradari*, but accused did not cooperate and told her to go ahead. It was requested that strict action be taken against the accused.

3. Learned counsel for the petitioner argued that prosecutrix was a married lady with two children from her marriage with Nazim. In fact, she was in consensual relationship with the petitioner and in this context, he referred to order dated 15.07.2024 in a Criminal Writ Petition filed under Article 226 of the Constitution of India, for issuing directions to protect life and liberty of the petitioners from the private respondents. He further submitted that after securing orders on 15.07.2024, the prosecutrix went back home and lodged a false case of rape on 30.01.2025. Reference was also made to Annexure P-4, copy of order of this Court dated 25.07.2025, in a petition for directing official respondents to conduct fair and impartial investigation in the matter, which was dismissed by the Court. Learned counsel urged that the FIR was got registered only to exert pressure and extort money from the petitioner, who was in custody in the case for more than three months.

4. Learned counsel for the petitioner further submitted that there were material contradictions in the FIR version and statement under Section 164 Cr.P.C. of the prosecutrix, regarding the place of the occurrence; that as per FIR, the rape was committed in forest while in her statement under Section 164 Cr.P.C, the wrongful act was committed in room. Further, prosecutrix did not allege anything in her statement under Section 164

Cr.P.C against Miskina, Faruk, Sharif and was silent about the videography of the act.

5. Learned State counsel placed on record custody certificate of petitioner and statement of the prosecutrix under Section 164 Cr.P.C., submitting that she fully supported her version in the FIR and prayed that in view of gravity and seriousness of allegations, the bail application deserved to be dismissed.

6. The prosecutrix is a married lady. It is a matter of record that prosecutrix and the petitioner filed CRWP-6630-2024, under Article 226 of the Constitution of India in this Court stating that they were in a live-in relationship and sought directions to official respondent Nos. 2 and 3 for protection of their life and liberty at the hands of private respondents, i.e. her husband and his family members. Following order was passed in CRWP-6630-2024 on 15.07.2024:-

“Keeping in view the abovesaid facts and circumstances and without commenting upon the legality of the relationship between the petitioners or expressing any opinion on the merits of the case, this Court deems it appropriate to dispose of the present petition with a direction to respondent no.2 to consider the representation dated 08.07.2024 (Annexure P3) and to assess the threat perception to the petitioners and after considering the same to take appropriate action in accordance with law.”

7. Subsequently, a petition under Section 528 of BNSS, 2023 was filed by the prosecutrix for directing official respondents to conduct fair and impartial investigation in the case. When it was brought to notice of the Court that the prosecutrix and petitioner (respondent No.4 therein) had filed

CRWP-6630-2024 seeking protection of life and liberty, counsel for the petitioner withdrew the petition, which was dismissed as withdrawn.

8. As per custody certificate, petitioner is behind bars for the last three months. His antecedents are clean and he is not involved in any other case. Trial is likely to take some time to conclude. Further incarceration of the petitioner is not warranted. In the facts and circumstances of the case, but without meaning to express any opinion on merits, petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. All the pending miscellaneous applications, if any, stands disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

28.08.2025
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No