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(237)

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

CRM-M-52789-2025

Date of decision :23.09.2025

PRINCE PRASAD

... Petitioner

Versus**STATE OF HARYANA**

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sardavinder Goyal, Advocate with
Mr. J.S. Nagla, Advocate
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail to the petitioner in case FIR No.123 dated 26.02.2023 registered under Section 364-A IPC (Sections 302, 201 IPC & 6 of the POCSO Act added later on) at Police Station Sector 10, Gurugram, Haryana.

2. The present FIR came to be registered at the instance of Mohammad Saluddin S/o Nizamuddin and the same reads as under:-

“To SHO, Police Station Sector 10A, Gurugram, Subject: Regarding kidnapping of a child. Sir, I request that I am Mohammad Saluddin S/O Nizamuddin R/o Babu Salempur, P.S. Shyam District Darbhanga Bihar, currently a tenant of H.No.1211, Street No.4, Basai Enclave Part-2, Gurugram. I have total four children, of which one is a girl and three are boys. My youngest child, Zahid, was about 10 years old. At



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around 5:30 pm, my son Zahid came down from our room to sleep. He did not return to our room for a long time. We looked here and there but could not find him. Then at 7:30 pm, we received a call on our home number 8447432457 from mobile number 9318369422. The caller said that your son Zahid is with me. If you still have him alive, take two lakh rupees and come to I.M.T Chowk, Manesar. On which I told my wife and now I have come to the police station with my wife to lodge a report. The person with the above number has kidnapped my son Zahid, against whom legal action should be taken. LTI Mohammed Saluddin SD Sahana Khatoon.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The investigation has not been conducted in a proper manner. Semen could not be detected on the anal swabs and skin could not be detected on the nail clippings of the child victim. The CCTV footage does not reveal the identity of the petitioner as the person in the CCTV footage is wearing a helmet. As the petitioner is in custody since 27.02.2023 but only 13 of the 22 prosecution have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that there is CCTV footage showing the deceased Zahid sitting on the motorcycle stated to be driven by the petitioner. The dead body was recovered at the instance of the petitioner. The mobile phone used to call up the family members of the deceased to demand ransom stands in the

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name of the petitioner. It is case of aggravated, penetrative sexual assault by way of anal intercourse/unnatural sex upon the minor victim. The prosecution witnesses examined so far have supported the case of the prosecution. The nature of the allegations levelled against the petitioner do not entitle him to the concession of bail.

5. I have heard the learned counsel for the parties.

6. As per the case of the prosecution, the petitioner kidnapped the deceased, sodomized and murdered him. He called up the family members of the deceased and demanded a ransom from them. The medical evidence substantiates the prosecution version of sodomy and homicide. The body has been recovered at the instance of the petitioner. The phone used to call the family of the deceased and demand a ransom is in the name of the petitioner. The CCTV footage would show the deceased accompanying a helmeted individual sitting on the back of a motorcycle. The evidence recorded so far is in support of the case of the prosecution. 13 of the 22 prosecution witnesses already stand examined. Therefore, the trial is at its fag-end.

7. In view of the nature of the allegations levelled and the stage of the trial, I do not deem it appropriate to grant the concession of bail to the petitioner and therefore, the present petition stands dismissed.

8. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to

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adjudicate upon the matter on the basis of the evidence led before it
uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

23.09.2025
JITESH

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