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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58819-2024
Date of decision: 11.02.2025

AZAD

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

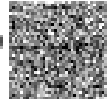
JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioners in FIR No.325 dated 02.09.2024, under Sections 115, 69, 351(3) of BNS, registered at Police Station Sadar Nuh, Haryana.

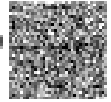
2. The FIR dated 02.09.2024 is reproduced as under:-

“To the Superintendent of Police Nuh. Subject complaint regarding committing rape with the applicant under the promise of marriage, alluring threat with dire consequences and to make the obscene video viral on social media against the accused Azad son of Noor Mohd. resident of village Gajarpur, Tehsil and District Nuh, for taking necessary legal action. Sir, the applicant submits as follows

1. That the applicant Samena wife of Aslam resident of



Nahar Colony, Nuh District Nuh is a law abiding person. 2. That in the year 2008 the marriage of the applicant was solemnized with one Aslam resident of village Ranika. Since the behaviour of Aslam towards the petitioner not good, therefore, she was thrown out of the house and thereafter the applicant came contact with the above named accused who has assured her of solemnizing the marriage. 3. That after that the applicant is residing in live-in relationship with the accused since last two years in a rented accommodation and during this period the accused while alluring her, under the promise of marriage and continuously sexually exploited her. When the complainant asked to get married then he has stated that very soon they will get married. 4. That the above named accused after consuming the liquor, used to raped her after removing her clothes and during the said period he clicked photographs and make obscene video of her in his mobile phone. After that when the applicant stated to the accused that now we are residing since long time and we have to get married then the accused tried to put off the issue and on repeatedly been asked for the same, he refused to get married with her and further threatened that if she would say to get married again then he will make her absence video viral on the social media. During the night of 19/20.08.2024, the accused came along with another lady in her room and thrown her out after giving her beatings and further threatened to kill her 5. The accused is sending the obscene video on her mobile phone through the whatsapp and is threatening that he will make the video viral if she would take any action against him and will further kill her. Therefore, it is most humbly prayed that strict legal action be taken against the accused persons after registration of FIR and life and liberty of ay kindly be protected. Sd/-



Applicant Samina wife of Aslam resident of Nehar Colony Nuh. Mobile No. 8168339701. Note: Azad son of Noor Mohd. resident of Gajarpur, P.S. Rozka Meo on 13.08.2024 in house situated at Nehar Pala Colony has committed rape with me under the pretext of marriage Sd / - Samina.”

3. Learned counsel for the petitioner submitted that it is a case where the prosecutrix was a married lady of the age of 33 years and she got married in the year 2008 to one Aslam but there was a matrimonial discord between the prosecutrix and her husband. He further submitted that even as per the aforesaid FIR, the prosecutrix herself started living with the petitioner in a live-in-relationship in a rented accommodation, although it has been so alleged in the FIR that the petitioner had on false pretext of marriage sexually exploited her and clicked some photographs and obscene videos, which he threatened to put on the social media. He further submitted that the aforesaid story was a concocted story and in pursuance of the order passed by this Court on 16.12.2024, the petitioner has already joined the investigation and has fully cooperated with the investigation process and therefore, the aforesaid order dated 16.12.2024 may be made absolute.

4. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted on instructions from ASI Aasha that in pursuance of the order passed by this Court on 16.12.2024, the petitioner has already joined investigation and has fully cooperated with the investigation process and he is not required for custodial interrogation. He referred to the status report dated 14.12.2024 filed on behalf of the State of Haryana, wherein it has been stated that as per the supplementary statement of the prosecutrix, she herself informed the police that



her mobile phone has already been damaged because it fell into the water and she does not have any mobile phone. He further submitted that as per the supplementary statement of the prosecutrix, there was no proof of any abortion conducted on her and also no evidence was collected by the Investigating Officer to show that there was any video of the prosecutrix which was made viral by the petitioner and therefore, the custodial interrogation of the petitioner is not required in view of the aforesaid facts and circumstances.

5. After hearing the learned counsels for the parties, this Court is of the considered view that since the petitioner has already joined the investigation and has fully cooperated with the investigation process and as per the stand taken by the learned State counsel that he is not required for custodial interrogation because of the aforesaid reason that the prosecutrix has not been able to give any evidence pertaining to her exploitation by the petitioner, the petitioner deserves the concession of anticipatory bail.

6. Consequently, the present petition is allowed and the order dated 16.12.2024, is hereby made absolute.

11.02.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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