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

CRM-M-63864-2024 (O&M)

Date of Decision:- 27.02.2025

AARIF KHAN

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Afjal Hussain, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.373 dated 30.08.2024 under Sections 376 (2) (n), 406, 506 and 384 IPC registered at Police Station SGM Nagar, District Faridabad.

2. Facts of the case are that prosecutrix gave her statement that she is a married lady having two sons. Her marriage took place in the year 2017. Before marriage, Aarif Khan son of Majid Khan i.e. present petitioner used to harass her and wanted to be her friend. Even after marriage, he started harassing her. He maintained physical relations with her forcibly by taking her in a room in SGM Nagar and kept on calling her. He also prepared obscene video in his mobile phone and threatened to viral the said video.

He repeatedly compelled her to come to his room. On 19.06.2024 after *Eid* festival he again call her in his room and raped her. Being fed up, she disclosed everything to her husband. He was compelling her to leave her husband. Finally, matter was reported to the police.

3. Learned counsel for petitioner pointed out that there is long delay in giving information to the police. Even if facts of the case are considered it is a case of consensual relationship. Allegations are vague. There is no medical record to confirm the allegations of rape. Alleged disclosure of present petitioner is not admissible in evidence. He is in custody since 02.09.2024. He is ready to abide by the terms of bail order. Therefore, his regular bail may be allowed.

4. Bail application is opposed by learned counsel representing State confirming the facts narrated in the FIR. It is pointed out that during investigation statement of prosecutrix was recorded under Sections 164 Cr.P.C. /183 BNSS in which she has confirmed the allegations. Challan in this case has been presented. There are specific serious allegations against present petitioner. Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. After completion of investigation, challan is already presented on 18.11.2024 and charges were framed on 18.01.2025 and now case is fixed for 12.03.2025 for prosecution evidence. Therefore, till date statement of prosecutrix has not been recorded. Trial is at initial stage. Considering the allegations, in case petitioner is released on bail there is every chance that he may try to influence the prosecutrix.

6. Considering the aforesaid factual position, I do not find a fit case for regular bail and the same is, accordingly, declined.
7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)

JUDGE

27.02.2025

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Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No