



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

(220)

**CRM-M-71517-2025
Date of Decision: 23.12.2025**

Shehjazz @ Shehanshah

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. P.D.S.Randhawa, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 116 dated 15.2.2024 under Sections 365, 376, 506, 34 IPC and Sections 16 and 17 of the POCSO Act, registered at Police Station Sector-58, Faridabad.

2. The translated version of the FIR is reproduced below:-

“I Pappu Khan Son of Noori Khan, am a resident of Pyala Road, Village Sikri, Faridabad. I have 2 daughters and 2 sons. Both the daughters are elder and the sons are younger than the daughters. On the night of 14.02.2024, at around 11 pm, my younger daughter, who is 16 years old, was forcibly taken to Chandan Hedra office by Shahanshah and Jamshed, residents of Dugarpur district Palwal, on their motorcycle and Jamshed did wrong things with my daughter and his partner Shahanshah was outside the office and in the morning at around 5 am, both of them made me sit in a Hydra machine and left me in a field near my house. When I searched for my daughter here and there in the morning, she was not found at home. When I searched for my daughter, she was not found at home. When I found my daughter, my daughter told me that Jamshed and



Shahanshah, who run Hydra, forcibly took me away by threatening to kill me. They took me on a motorcycle and took me to Sikri and did wrong things to me, which I have told you now out of fear, this same boy named Shahanshah also took my elder daughter xxxxxx, who is around 18 years and two months old, 6-7 days ago to the company where there are only four walls and did wrong things to her. My elder daughter xxxxx told me this on asking that he had also threatened to kill my sons. You are requested to take strict action against Jamshed and Shahanshah. My wife and I run a tea stall and these two boys park their Hydra stall at the stall, that is where we got to know both of them.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It is submitted that the only role attributed to the petitioner that he was standing outside at the time of the commission of the alleged offence. Furthermore, the main accused Jamshed, against whom the allegations of sexual assault upon the victim are levelled, has been granted the concession of bail by the lower Court. It is also submitted that the main accused and the prosecutrix have solemnized marriage on 01.6.2025, and they have filed a petition bearing CRM-M No. 61252 of 2025 seeking quashing of the present FIR, which is pending adjudication before this Court. It is also submitted that the prosecutrix and her father have already been examined by the learned trial Court, wherein they have not supported the prosecution version. Learned counsel further submits that the petitioner has undergone an actual custody of 07 months and 05 days and there is no other criminal case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She has filed custody certificate in Court today and the same is taken on record.



07 months and 05 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 10.12.2025 and out of total 31 prosecution witnesses, 02 have been examined till date. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the charges were framed on 10.12.2025 and out of total 31 prosecution witnesses, only 02 have been examined till date. The petitioner has undergone actual custody of 07 months and 05 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.



- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

December 23, 2025
Gurpreet Singh

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