

CRM-M-10166 of 2026(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:084977



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CRM-M-10166 of 2026(O&M)

Reserved on: 26.05.2026

Pronounced on:29.05.2026

Uploaded on:29.05.2026

Akhilakh Ali

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Vivek Kumar Gaurav, Advocate and
Mr. Rohit Shukla, Advocate
for the petitioner.

Mr. Kshitij Bharti, AAG Haryana.

None for respondent No.2.

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks regular bail in case vide FIR No. 567 dated 18.10.2024 under Sections 4 and 17 of POCSO Act and Section 96 of BNS, 2023, Police Station Sector-8 Faridabad, Haryana. This is the first petition for regular bail.

2. Prosecutrix 'S' aged 17 years reported to the police that she was a student of 12th Class and the only child of her parents. On 19.08.2024, they had to visit her uncle at Gaziabad. They booked a cab from the taxi stand and she along with her parents went to Gaziabad in a taxi which Sagar Rajput was driving. They hired the same taxi for return journey and reached at around 12.30 PM. At 2.00 PM, when she went to deliver lunch to the

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driver, he asked her name and also took her mobile number. Then, they all returned to their home at Faridabad by 6.00 PM. At night, Sagar Rajput started sending messages on her phone and thereafter, she started chatting with him. They started liking each other and started meeting. On 10.10.2024, at about 10.30 PM, Nitika came to her home and on the pretext of Jagran she, Nitika, Ali(Sagar Rajput) and friend of Ali namely Ankush went to Habitat 78 BPTP on 15th Floor at Flat No.B-2/1502, Sector 78, Faridabad. She and Ali were in one room while Nitika and her friend were in the other room. Ali forcefully committed rape upon her and in the morning, when she wanted to go home, he asked her to stay back for 2-3 days as he had her videos and photos. She stayed there, they went roaming and also visited temples. On 14.10.2024, Ali dropped her home. The next day, she and Ali again went out and he left after dropping her. She told her parents about Sagar Rajput @ Ali and the wrong act he committed

3. Learned counsel for the petitioner submit that the petitioner was in custody for the last more than 1 year and 7 months. Out of 26 only, only 7 witnesses were examined including the prosecutrix. It was a case of love affair and the relationship was consensual. No obscene material was recovered from possession of the petitioner. Co-accused Nikita and Ankush had since been allowed regular bail and petitioner too became entitled to bail on the ground of parity.

4. Learned State counsel has filed status report in the form of affidavit of Jitesh Kumar, HPS Assistant Commissioner of Police, Ballabgarh, Faridabad, along with custody certificate and opposed the prayer for regular bail arguing that petitioner committed penetrative sexual

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assault on the prosecutrix, by rendering her unconscious and blackmailed her, threatening to make her nude picture viral. Considering the age of the prosecutrix i.e. 16 years and the specific allegations against the petitioner, he did not deserve the concession of bail.

5. Respondent No.2 was duly served but has not chosen to contest the petition.

6. Judicial discretion in matters of bail must be exercised cautiously, based upon relevant considerations. Ordinarily in cases of long detention, courts lean favorably towards the accused but there is no straight jacket formula that an accused would be automatically entitled to bail on the ground of prolonged incarceration, discretion has to be exercised considering the intrinsic merits of the case and gravity of charge.

7. Petitioner cannot claim parity with co-accused against whom no allegation of penetrative sexual assault were levelled in the FIR. Even though he is in custody for the last 1 year and 7 months, allegations against him are grave and serious. He, being a taxi driver, allegedly enticed the prosecutrix by assuming the name of Sagar Rajput and thereafter befriended her, kept her in his custody for 4 days and committed penetrative sexual assault. Prosecutrix, who has been examined during the course of trial has fully supported prosecution version. Considering the nature and substance of allegations against the petitioner, the prima-facie material against him, mere period of incarceration is not sufficient to enlarge him on regular bail.

8. Custody certificate of the petitioner shows that he is a previous convict in FIR No. 264 dated 28.04.2015 under Section 4 of POCSO Act, 342, 354-A IPC, 354-D IPC, 506 IPC. The petition filed does not disclose

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criminal antecedents of the petitioner, rather, states that there is no other case pending or registered against him. There is clear misrepresentation and suppression of material facts by the petitioner, which alone disentitles him to the relief sought.

9. Dismissed.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

29.05.2026

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Whether speaking/reasoned	:	Yes
Whether reportable	:	No