



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109+213

CRM-M-14063-2026 (O&M)

Reserved on: 26.05.2026

Pronounced on: 01.06.2026

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SUBHASH

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. Deepanshu Matya, Advocate,
Mr. Ravinder Kumar, Advocate and
Ms. Aprajita, Advocate for the petitioner.

Mr. Kshitij Bharti, AAG Haryana.

Shalini Singh Nagpal, J.

1. Petitioner seeks regular bail in FIR No.261 dated 19.11.2024 under Sections 332(B), 70(1) and 351(2) of Bharatiya Nyaya Sanhita (B.N.S.), 2023, Police Station City Nuh, District Nuh. This the first petition for regular bail.

2. Case was registered on complaint of 'R', who stated that on 10.11.2024 at 03:00 P.M., when she was alone at home, her husband being out of station, Jitendera s/o Mahipal, resident of Danacholi, Tehsil Narnaul and an unknown person entered her house and made enquiries about Rukaiya. She informed them that Rukaiya was not at home. They forced their way inside the house, sat down to drink and started misbehaving with her. She was gagged, forcibly dragged into a room and raped turn by turn. Shortly thereafter, her cousin Samun arrived and a scuffle ensued. During the scuffle, his driving license fell, her brother took a picture of it and the picture of his car, bearing number HR-64-A-1862. As they left, they threatened to kill her if she took any action.



3. Learned counsel for the petitioner submits that entire story in the FIR was concocted by the prosecutrix with *mala fide* intent to extort money. Prosecutrix had been misusing legal system for extraneous consideration, to exert undue pressure. There were series of cases got registered by her levelling serious allegations against various individuals, which were either found unsubstantiated during investigation or ended in closure of the proceedings upon a compromise being reached. In FIR No.45 dated 12.03.2022 under Sections 365 and 34 IPC, after accepting consideration prosecutrix 'R' swore an affidavit that a false case was registered against the accused. Another FIR No.291 dated 14.09.2022 under Sections 323, 328, 342, 370-A, 376-D, 406 and 34 IPC was registered on her complaint which too was later compromised after accepting consideration. In the final report filed by the police Annexure P-7, the police stated that prosecutrix fabricated a false story and falsely implicated the accused. Annexure P-9 was yet another complaint made by the prosecutrix to Superintendent of Police, Nuh against six persons alleging gang rape. Prosecutrix was a married lady with a daughter. Her medico-legal report did not reveal any injuries on her body. There was unexplained, inordinate delay in registration of FIR.

4. Learned counsel further submits that there was a recorded telephonic conversation between the complainant and Head Constable Kushi Ram, brother of the petitioner, which *prima facie* revealed serious irregularities in her conduct and concerned police officials. Prosecutrix was heard saying that she would sign whatever statement was prepared and would also appear as a witness before the Court, provided that payment was made to her. Thus, there was serious doubt as to credibility of investigation and the manner in which investigation was conducted. The present case was a clear abuse of the criminal process. Memo of recovery of vehicle bearing



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registration No.HR-64-A-1862 was wrongly prepared showing the recovery from Sohna, whereas petitioner's brother was compelled to bring the car to the police station. There were monitored dealings and negotiations, taking place in connection with the case. The pen drive containing audio recording and the evidence of monetary transaction, though made over to the police, was not made part of the final report. It is further argued that non-bailable warrants were issued against the prosecutrix to secure her presence but she was intentionally avoiding appearance to prolong custody of the petitioner. Investigation was complete. Petitioner was in judicial custody w.e.f 20.08.2025. He was not named in the FIR and was referred to as an unknown person. He had been roped in without any credible evidence. Trial would take long to conclude. Petitioner, thus, deserved to be enlarged on regular bail.

5. Status report by way of an affidavit of Mr. Prithvi Singh, HPS, Deputy Superintendent of Police, Nuh, on behalf of respondent-State. The same is made part of the record.

6. Learned State counsel has opposed the petition for regular bail on the ground of serious nature of allegations against the petitioner, who was accused of "gang rape". The FSL report revealed human semen and the result of DNA analysis was awaited. Prosecutrix was yet to be examined as a witness and considering the serious nature of allegations, he did not deserve the concession of bail.

7. FIR No.45 dated 12.03.2022 under Sections 365 and 34 IPC under Section was lodged by brother of the prosecutrix with regard to her abduction by two persons. Annexure P-2 is the affidavit sworn by the prosecutrix in the same FIR that she was never kidnapped and that her brother had levelled false allegations. The case was cancelled and cancellation report has been accepted by the Court.



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8. Annexure P-5 is copy of FIR No.291 dated 14.09.2022 under Sections 323, 328, 342, 370-A, 376-D, 406 and 34 IPC lodged by the prosecutrix against three persons alleging rang rape. Annexure P-6 is the affidavit sworn by her that accused did not commit rape with her. On that basis police submitted final report under Section 173 Cr.P.C. (Annexure P-7) that prosecutrix had fabricated a false story against all the accused and cancelled the case. Annexure P-9 is another complaint against six persons made by the prosecutrix on 05.11.2024 alleging gang rape. The incident in the present case is alleged to have taken place on 10.11.2024 and prosecutrix was medico-legally examined on 19.11.2024 after 9 days. No external visible injury was seen all over the body. All these facts have not been disputed.

9. Petitioner has placed on record recorded conversation of police officials with the prosecutrix regarding saying that she would do as desired, provided payment was made. Although the audio conversation would be required to be proved in accordance with law, during trial, considering entire facts and circumstances before the Court, clean antecedents of the petitioner and the period of custody undergone by him, the petitioner must be released on bail.

10. The petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of Trial Court/Duty Magistrate.

11. Pending miscellaneous applications, if any, also stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

01.06.2026

HS.CHAUHAN

*Whether Speaking/Reasoned :
Whether Reportable :**Yes
Yes/No*