



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

**CRM-M-25953-2026 (O&M)
Date of Decision: 07.05.2026**

MUSTFA

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

SHALINI SINGH NAGPAL J. (Oral)

1. Petitioner seeks anticipatory bail in case arising out of FIR No. 36 dated 10.02.2026 under Sections 3(5), 249(1) of Bharatiya Nyaya Sanhita, 2023, Police Station Sadar Nuh District Nuh. This is the first petition for anticipatory bail.

2. Complainant reported that her daughter 'W' was about 15 years old, while accused Mustfa was 40 years of age. Her elder daughter was married to Arif son of Baddan, resident of village Satlaka, three years ago. Mustfa had been visiting their house with her son-in-law at the time of his wedding and thereafter and at that time, he had been speaking to her minor daughter 'W'. One day, when her minor daughter was away to the fields to collect fodder, Mustfa followed her, caught her from behind and forcibly raped her. He took her nude pictures and threatened to send the pictures to her family members, if she disclosed the matter. Out of fear, her daughter did not tell anyone. After 6-7 months, when they were away for a wedding, accused Mustfa along with Saleem, came to their house in a Swift car and forcibly took away her daughter to his village,

threatening her with her nude pictures. Minor 'W' was raped her against her will and her thumb impressions were taken on several blank papers. On 08.05.2025, Mustfa along with Saleem and a driver, again forcibly took her from the village bus stand under threat and raped her forcefully for a month. Whenever she protested, she was threatened. When she and her family members exerted pressure, he left her at the bus stand. Mustfa and his uncle Saleem raped her daughter, whenever they got a chance. Her minor daughter became mentally disturbed and started thinking of suicide.

3. Learned counsel for the petitioner submits that it was a case of false implication. Prosecutrix had voluntarily solemnized marriage with the petitioner as was evident from the photographs on record. Family members of the minor including her mother were always in contact with the petitioner and were well aware of the matrimonial relations. The matrimonial dispute was given criminal colour. The FIR was false, fabricated, lodged after 05 months delay on orders of the Court under Section 175(3) BNSS. Action taken report was called by the Court, wherein the police reported that complainant got her daughter 'W' married to Mustfa, showing her age to be 19 years and that complainant refused to get her statement recorded. It was argued that statements of several respectable persons of the village were also recorded by the police, which proved that allegations levelled by the complainant were false. The police, after collecting all material evidence, found no offence made out against the petitioner. It was further urged that complainant had been repeatedly demanding money from the petitioner as was evident from the call detail record of their conversations.

4. Learned State counsel has opposed the prayer for anticipatory bail submitting that in her statement under Section 183 BNSS, prosecutrix fully supported the version in the FIR and custodial interrogation of the petitioner was required for fair and effective investigation. He further submitted that police had collected the school records, wherein age of the prosecutrix was shown to be 15 years at the time of commission of offence.
5. Petitioner was 40 years old, while prosecutrix is stated to be 15 years of age, at the time of allege commission of offence. During the course of arguments, statement of the prosecutrix under Section 183 BNSS was placed on record. She deposed that petitioner sexually violated her under threat of making her obscene pictures viral, took her to his home, detained her for a month and left her back. Further that, one Saleem also committed rape.
6. Allegations against the petitioner are severe and grievous. There are no extraordinary circumstances warranting exercise of discretion under Section 482 BNSS. As such, the petition is dismissed.
7. Nothing observed hereinabove shall be construed as an opinion on merits of the case.
8. Pending CRM(s), if any, are also disposed of accordingly.

07.05.2026
Ajay Goswami

(SHALINI SINGH NAGPAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>