



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(150)

CRM-M-73200-2025 (O&M)

Date of Decision: 25.02.2026

PRAHLAD @ PRAHALAD

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Kartik, Advocate for the complainant.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.28 dated 06.04.2024, under Sections 376-D and 506 of IPC, registered at Police Station Women Police Station NIT, Faridabad, District Faridabad.

2. The contents of FIR are reproduced hereinafter.

“To, SHO, Women Police Station, NIT Faridabad, I am xxxx, daughter of Shri Damar Singh, resident of village Samthar, District Kalimpong, Darjeeling. I work as a domestic help at Sonali Madam's house at 11, near HUDA City Centre. On 03.04.2024, I had come to Rajeev Colony, Faridabad to meet my fiancé Saroj, son of Shri Durga Prasad, resident of village Jollung, District Kalimpong, Darjeeling, who works at a Chinese fast food shop. I stayed there with Saroj that day, then the next day on 04.04.2024, Saroj and I went for a walk in the park near Rajiv Colony at around 6 in the evening, and I got late in leaving from there, then the landlord of the shop, Prahlad, said to Saroj that it is night now, where will she go at this time of night, take her to the inner room and stay there, then I said that I will go, no problem, then he said that no, stay here tonight and leave in the morning, then it was around 8 in the night, then Amit also came there. After some time, Prahlad and Amit started threatening Saroj that you have brought a prostitute and started raising their hands on him to hit him. I requested Prahlad with folded hands not to hit Saroj, then they



told me to sit quietly, then they started touching my breasts in front of Saroj and when Saroj asked them why are you teasing them, they said that you should go and we will call the police right now that you have brought a prostitute and Amit snatched Saroj's and my mobile and threw Saroj out. After Saroj left from there, Amit and Prahlad started threatening to get me caught by the police and said that if you do not listen to us, then we will call twenty-five to twenty-six boys and will gang rape you. I was very scared then Amit switched off the light of the room and asked me to take off my clothes. When I refused, he forcibly took off my red and white printed salwar and pink T-shirt. When I started shouting, Prahlad and Amit covered my mouth with their hands so that my voice could not be heard outside. After that Amit raped me 6 times and Prahlad raped me 2 times and they kept raping me from 10 pm to 3 am. I was having severe pain in my stomach. I held Amit and Prahlad's feet and asked them to let me go and started crying. Amit and Prahlad threatened me that if I told anyone about this then they would kill me and Saroj and told me to go to the village and not to come back. When I asked for my mobile back from both of them, they initially refused but when I started crying, they returned my mobile. I left from there crying and started waiting for the morning. Then I caught a bus to Gurgaon at 6 in the morning and charged my mobile in a shop in HUDA City Centre, then I got a call from Saroj. I was very scared and told everything to Saroj. Then Saroj came to HUDA City Centre, Gurgaon and I have come with him with my complaint to you to seek justice that strict legal action should be taken against the culprits and the life and property of me and Saroj should be protected from the accused. xxxx: Applicant:- xxxxx daughter of Shri Damar Singh resident of village Samthar, District Kalimpong, Darjeeling Mobile number: 93827xxxxx.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the statement of the prosecutrix, wherein it is alleged that the petitioner along with co-accused developed forceful physical relations with her. It is submitted that in the reply filed in the bail application filed by the present petitioner before the learned Sessions Court, it was admitted by the prosecutrix that the petitioner had not done nothing wrong with her and, in fact she did not recognize the present petitioner. It is submitted that the petitioner has been named as an accused only for the reason that he is the owner of the premises, where the alleged occurrence had taken place. The prosecutrix stands examined before the learned trial Court as PW-1, in which she has not supported the case of the prosecution, qua the petitioner. It is submitted that the petitioner is willing to join investigation and co-operate.



submissions made by the learned counsel for the petitioner and submits that there are specific and serious allegations against the petitioner. He states that the petitioner was actively involved in the commission of the offence.

5. Learned State counsel submits that during the course of investigation, the spot of the alleged occurrence was inspected, and the statements of witnesses were recorded. While placing reliance on the status report dated 19.01.2026, learned State counsel submits that the statement of the prosecutrix was recorded under Section 164 Cr.P.C., as per which, she had supported the case of the prosecution. The MLR of the prosecutrix was also conducted, wherein the doctor opined that possibility of sexual intercourse cannot be ruled out. The DNA profile obtained from the clothes of the prosecutrix matches with that of co-accused Amit. During investigation it has been found that the prosecutrix has been gang raped by the petitioner and co-accused, thereafter threats were also issued to her of dire consequences in case she disclosed about the alleged incident to anyone. The petitioner has been on the run since the registration of the FIR. Moreover, despite levelling specific allegations against the petitioner at the time of registration of the FIR, as also in her statement under Section 164 Cr.P.C., the prosecutrix has now not supported the case of the prosecution only qua the petitioner. Under such circumstances, the possibility of the petitioner influencing the witnesses and tampering with the evidence cannot be ruled out. Therefore, the petitioner does not deserve to be granted the concession of anticipatory bail by this Court.

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



7. *Prima facie*, grave and serious allegations have been levelled against the petitioner, that he along with the co-accused, committed rape upon the prosecutrix. A detailed account was narrated by the prosecutrix at the time of the registration of the FIR, which was reiterated by her in her statement recorded under Section 164 Cr.P.C. The petitioner has been evading the process of law since the time of registration of the instant FIR i.e. 06.04.2024. Under such circumstances, there arises a reasonable apprehension of the witnesses being influenced, or the evidence being tampered with.

8. Therefore, in view of the foregoing discussion, this Court is of the considered opinion that the present petition deserves to be dismissed, and is thereby accordingly dismissed.

9. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.

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

(KIRTI SINGH)
JUDGE

February 25, 2026
Ithlesh

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