

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025

(Arising out of an impugned final order and judgment dated 10.12.2024 passed by the Hon'ble High Court Punjab and Haryana at Chandigarh in CRA-S No. 2443 of 2023)

WITH PRAYER FOR INTERIM RELIEF

IN THE MATTER OF:-

MUKESH KUMAR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

I.A. No. _____/2025

An application praying for exemption from official translation

WITH

I.A. NO. /2025

An application praying for exemption from filing certified copy of
impugned order

PAPER BOOK

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ADVOCATE FOR THE PETITIONER: **AMARJEET SINGH**

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SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025

IN THE MATTER OF: -

MUKESH KUMAR SINGH ...**PETITIONER**

VERSUS

STATE OF HARYANA ...**RESPONDENT**

OFFICE REPORT ON LIMITATION

- i. THE PETITION IS WITHIN TIME.
- ii. THE PETITION IS BARRED BY TIME AND THERE IS DELAY OF _____ DAYS IN FILING THE SAME AGAINST THE ORDER DATED 10.12.2024 AND PETITION FOR CONDONATION OF _____ DAYS DELAY HAS BEEN FILED.
- iii. THERE IS DELAY OF _____ DAYS IN RE-FILING THE PETITION AND PETITION FOR CONDONATION OF _____ DAYS IN RE-FILING HAS BEEN FILED.

[BRANCH OFFICER]

NEW DELHI
FILED ON: 03.01.2025

PROFORMA FOR FIRST LISTING

SECTION-

The case pertains to (Please tick/check the correct box):

- Central Act: (Title): **NA**
 Section: **NA**
 Central Rule: (Title): **NA**
 Rule No: **NA**
 State Act: (Title): **NA**
 Section: **NA**
 State Rule: (Title): **NA**
 Rule Nos.: **NA**
 Impugned interim order (date): **NA**
 Impugned Final order/decree (date): **10.12.2024**
 High Court: (name): **HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**
 Name of Judge: **Justice NIDHI GUPTA**
 Tribunal/Authority (Name): **NA**
-

1. Nature of matter: Criminal
2. (a) Petitioner/Appellant No.1: **Mukesh Kumar Singh**
(b) e-mail ID:..... **NA**
- (c) Mobile Number:..... **NA**
3. (a) Respondent No.1: **State Of Haryana**
(b) e-mail ID:..... **NA**
- (c) Mobile Number:..... **NA**
4. (a) Main category Classification: **18**
(b) sub Classification: **1810**
5. Not to be listed before:..... **NA**
6. (a) Similar disposed of matter with citation, if any, & case details: **No similar matter disposed off**
(b) Similar pending matter with case details: **No similar matter pending**

7. Criminal Matters:

- (a) Whether accused has surrendered: **NA**
- (b) FIR No. **175/2023** Date: **25.05.2023**
- (c) Police Station: **P.S. Sector-6, Bahadurgarh**
- (d) Sentence Awarded: **Under Trail**
- (e) Sentence undergone: **NA**

8. Land Acquisition Matters:

- (a) Date of Section 4 Notification: **N.A.**
- (b) Date of Section 6 Notification: **NA**
- (c) Date of Section 17 Notification: **NA**

9. Tax Matters: State the tax effect: **NA**

10. **Special Category (first Petitioner/appellant only): NA**

Senior citizen > 65 years SC/ST Woman/child Disabled
 Legal Aid case In custody

11. Vehicle No. (in case of Motor Accident Claim matters): **N.A.**

Place: New Delhi
Date: 03.01.2025

(Amarjeet Singh)
ADVOCATE FOR THE PETITIONER
Email: amarjeetsinghadv@gmail.com

Code:2690

SYNOPSIS

The Petitioner has preferred the captioned Special Leave Petition before this Hon'ble Court assailing the final order and judgment dated 10.12.2024 (*for brevity "Impugned Order"*) passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh (*for brevity "High Court"*) in CRM-S 2443 of 2023 whereby the Hon'ble High Court was pleased to dismissed the prayer of Petitioner seeking pre-arrest bail in connection with the FIR No. 175 dated 25.05.2023 registered at P.S. Sector-6, Bahadurgarh, (*for brevity "FIR"*) for offences punishable u/s 328, 376 and 506 of Indian Penal Code, 1860 (*for brevity "IPC"*), 67A of IT Amendment Act, 2008 (*for brevity "IT Act"*) and S. 3 (1) (s) of Scheduled Castes and Scheduled Tribes Act, 1989 (*for brevity "SC Act"*).

Extra-marital relationship converted into false rape case:

The Petitioner is employed in CISF since year 1996 and is currently serving as Head Constable with an unblemished record and on date of alleged incident, was posted at Brigadier Hoshiyar Singh Metro Station (Green line; DMRC); Petitioner seeks indulgence of this Hon'ble Court seeking pre-arrest bail in a *sui generis* case wherein an extra marital

relationship has been deliberately given criminal colour of rape with an ulterior motive of extorting money and personal vengeance.

In limine, it is submitted that the Petitioner herein did not dispute the acquaintance with the complainant as they were entailed in an extra-marital relationship from August 2022-April 2023 (Approximately 8 months); Amidst the said period, the complainant on pretext of her disturbed matrimonial situation, on umpteen occasions, took money from Petitioner; However, during March-April-2023, when Petitioner expressed her inability to fulfill her monetary demands, the complainant started blackmailing him *vis-à-vis* disclosing their extra-marital relationship to his wife and further to make him suffer through false criminal case.

Petitioner has joined investigation:

Subsequent to interim protection by Hon'ble High Court vide order dated 02.09.2023, which continued for 465 days (1 year 3 months), the petitioner duly joined the investigation and had submitted his mobile phone (RealMe) along with all three mobile numbers i.e. 7091486976 , 8987461233 and 9821057506 used by him, to the I.O. concerned. Further, as per the allegation, it is an admitted position that mobile number i.e. 8684895665 from which the indecent photo of complainant was allegedly uploaded on

whatsapp status, belongs to one Manish and not to the Petitioner herein. Hence, no custodial interrogation of Petitioner is required.

Delay in lodging FIR:

There is an inordinate delay of 5 months in lodging the FIR, from the month of alleged incident, and the same is unexplained. Relevant to underscore that, only when Petitioner stopped fulfilling the monetary demands of complainant and thereafter, on 12.05.2023, when he was transferred to different city, the Complainant out of personal vengeance lodged the said FIR.

Contents of FIR vague, ambiguous and improbable:

Maintaining brevity, bare perusal of FIR projects that the narration of complainant is completely vague and inconceivable; *firstly*, it is alleged that on 06.07.2022, Petitioner stopped the complainant and her family (husband with 3 children) at aforesaid metro station for checking tickets **however**, at any Delhi Metro Stations, duty of CISF personnel are only limited to frisking of baggage and passengers and more-so tickets are checked and issued by DMRC personnel; *Secondly*, the complainant for reasons best known to her, had wrongly named the Petitioner as Manoj Shukla, **however**, it is undisputed that, every officer, be it from CISF or any other agency has a

visible name badge on their uniform as a mandatory rule. *Lastly*, no particulars in regard to date and place of alleged offence has been specified.

Hence, the present Special Leave Petition.

CHRONOLOGICAL LIST OF DATES

DATE	EVENTS
25.10.1996	Petitioner joined the Central Industrial Security Force (<i>for brevity</i> “CISF”) as a Head Constable and has been serving ever since with an unblemished record <i>sans</i> any disciplinary proceedings <i>qua</i> him.
13.07.2020	<p>Petitioner being the Head Constable was transferred to Delhi <i>vis-à-vis</i> General Duties at Delhi Metro Rail Corporation (<i>for brevity</i> “DMRC”).</p> <p>True and typed copy of Movement order dated 13.07.2020 is hereby marked and annexed as ANNEXURE P-1; Pg. no: 20 to 24.</p>
06.07.2022	<p>Petitioner was performing Morcha Duty at Brigadier Hoshiyar Singh Metro Station (Green line) located at Bahadurgarh, Haryana, along with other CISF personnel.</p> <p>In the <i>interregnum</i>, the Husband of the Complainant along with the complainant and their 3 children, approached the Petitioner in regard to some query about the metro. Consequently, when Petitioner provided the relevant information to them, the Husband of the complainant noticed that the Petitioner had accent same as him and as a result a brief conversation happened between them wherein it was learnt that both of them hail from neighbouring state <i>viz</i> Bihar and Uttar Pradesh.</p>

	Subsequent thereof, the Husband of the complainant requested the Petitioner to exchange contact details and as a result Petitioner shared his contact number i.e. +91-7091486976.
August, 2022-April 2023	<p>Apropos to above, the Husband and the complainant started inviting Petitioner for lunches and dinners; thereafter, overtime, the Complainant and Petitioner developed feelings for each other and as a result, they ended up being into an extra marital relationship. Later, they also entailed in consensual physical relationship.</p> <p>Pertinent to underscore that, amidst the extra-marital relationship, the complainant on numerous occasions (between October-December) demanded money from Petitioner on pretext that her husband was not taking sufficient care of her and their children. Finding the complainant in disturbed matrimonial situation, the Petitioner, in all good faith, rendered monetary help to her.</p> <p>However, during the month of March-May 2023, the complainant taking an undue advantage of same, started demanding exorbitant amount from Petitioner and when Petitioner expressed his inability to pay the same, the complainant started blackmailing Petitioner that she will disclose about their extramarital relationship to his wife.</p> <p>Fearing same, the Petitioner again in May, 2023 paid around Rs. 40,000/- to the complainant. Thereafter, Complainant again</p>

	<p>demanded Rs 5,00,000/- from Petitioner as a settlement amount, but Petitioner denied to pay the same.</p>
12.05.2023	<p>Amidst of aforesaid situation, the Petitioner was transferred from the DMRC, Delhi to the CISF Unit, Paradib. Thereafter, the Petitioner was transferred to the CISF Unit ASG in Gaya ,Bihar and is currently serving there.</p> <p>True and typed copy of movement order dated 12.05.2023 is hereby annexed and marked as ANNEXURE P-2; Pg: 25 to 27.</p>
25.05.2023	<p>Since the complainant did not succeed in extorting money from Petitioner, just to build further pressure and blackmail him, she lodged a delayed <u>FIR No. 175</u>, dated 25.05.2023 at P.S. Sector-6, Bahadurgarh, for offences u/s 328, 376 and 506 of IPC, 67A of IT Act, and S. 3 (1) (s) of SC Act, alleging incident of rape happened in December, 2022.</p> <p>Briefly put, the complainant had narrated a completely sham, vague and concocted story which <i>prima facie</i> fails to substantiate any of the alleged offences; she wrongly named the Petitioner as Manoj Shukla (reasons best known to her), who at Metro, “very sweetly” asked her and her husband to show ticket(s) and further queried about their caste and mobile number.</p> <p><i>Firstly</i>, it cannot be gainsaid that, no prudent person will randomly ask for a mobile number from a women in front of her husband and children and more-so enquired about their caste;</p>

	<p><i>Secondly</i>, it is not out of place to mention that, every officer, be it from CISF or any other agency has a visible name badge on their uniform as a mandatory rule.</p> <p>Further it is also not oblivious that at any Delhi Metro Stations, duty of CISF personnel are only limited to frisking of baggage and passengers as they are not responsible for checking and/or issuing of metro tickets.</p> <p>More-so, it is vaguely alleged that in December, 2022, the Petitioner took her to some "<u>unknown place</u>" and gave her intoxicated juice to make her unconscious; and subsequently did wrong things with her. However, surprisingly, not an <i>iota</i> of description regarding the alleged place has been mentioned.</p> <p>Withal, it is also vaguely alleged that Petitioner forcibly molested the complainant "<u>many time in many places</u>" but no approximate timeline and particular place has been specified.</p> <p>True typed copy of FIR No. 175 dated 25.05.2023 is hereby annexed and marked as ANNEXURE P-3 Pg; 28 to 31.</p>
26.05.2023	Complainant was taken for medical examination at G.H Bahadurgarh hospital whereto, she denied for both internal and external examination.
26.05.2023	<u>Statement of Complainant u/s 164 of Cr.P.C</u> was recorded before the Ld. Magistrate wherein she again without giving any

	<p>justification <i>vis-à-vis</i> delay, specifying time and place, raised vague allegations and reiterated the concocted story.</p> <p>True and typed copy of statement u/s 164 of Cr.P.C is hereby annexed and marked as ANNEXURE P-4 Pg: 32 to 33.</p>
03.08.2023	<p>After efflux of 2 months, <u>1st notice u/s 41-A of Cr.P.C</u> was served by the Prosecution upon the Petitioner to join investigation on 09.08.2023 at 11:00 AM.</p> <p>True and translated copy of notice dated 03.08.2023 is hereby annexed and marked as ANNEXURE P-5; Pg: 34 to 36.</p>
09.08.2023	<p>The Ld. Addl. Session Judge, Jhajjar (<i>for brevity "Ld. Trial Court"</i>) erroneously dismissed the prayer of anticipatory bail of Petitioner.</p> <p>True copy of order dated 09.08.2023 is hereby annexed and marked as ANNEXURE P-6; Pg: 37 to 40.</p>
22.08.2023	<p>Petitioner approached Hon'ble High Court via CRA-S-2443 of 2023, seeking pre-arrest bail, assailing the aforesaid dismissal order dated 09.09.2023 passed by Ld. Trial Court.</p>
29.08.2023	<p><u>2nd notice u/s 41-A of Cr.P.C</u> was served by the Prosecution upon the Petitioner to join investigation on 31.08.2023 at 11:00 AM.</p> <p>True and translated copy of notice dated 29.08.2023 is hereby annexed and marked as ANNEXURE P-7; Pg 41 to 43.</p>

02.09.2023	<p>The Hon'ble High Court <i>via</i> CRA-S-2443 of 2023, after considering the facts of the case, was pleased to <u>grant interim protection</u> to Petitioner and further directed him to join the investigation.</p> <p>True copy of order dated 02.09.2023 in CRA-S-2443 of 2023 is hereby marked and annexed as ANNEXURE P-8; Pg. 44 to 46.</p>
28.09.2023- 29.09.2023	<p>In pursuant to <i>supra</i> directions, the Petitioner joined the investigation and narrated the aforesaid true incident to the I.O. concerned. Petitioner further provided his mobile and details of all his three mobile numbers i.e. 7091486976 (<i>under the name of his sister-in-law</i>); 8987461233 (<i>under his own name</i>) which he had used to talk to the complainant, during the period of extra marital relationship; along with another number i.e. 9821057506 (<i>under the name of his wife</i>). <u>Subsequently, the I.O. concerned seized the mobile of the Petitioner.</u></p> <p>The same can be fortified by the status report dt 07.02.2024 (<i>infra</i>) filed by the Prosecution before the Hon'ble High Court, wherein at para 7, it was stated that during investigation, when inquired from the fellow CISF personnel of Petitioner, they shared the same mobile numbers operated by the Petitioner.</p> <p>Pertinently, the Petitioner was also made to sign 7-8 blank papers which he outrightly denied, however, later he was insisted by the Prosecution on the pretext of procedure. Subsequently, the Prosecution used the same signed blank paper as an alleged disclosure statement dated 28.09.2023 given by Petitioner.</p>

	True and typed copy of disclosure statement dated 28.09.2023 is hereby annexed and marked as ANNEXURE P-9; Pg: 47 to 49.
01.12.2023	Upon the request of Prosecution, the Hon'ble High Court adjourned the matter to 08.02.2024 and continued the aforesaid interim protection granted to Petitioner. True copy of order dated 01.12.2023 in CRA-S-2443 of 2023 is hereby annexed and marked as ANNEXURE P-10; Pg: 50.
07.02.2024	Prosecution filed status report by way of an affidavit before the Hon'ble High Court. True and typed copy of status report dated 07.02.2024 is hereby annexed and marked as ANNEXURE P-11; Pg: 51 to 64.
08.02.2024	During hearing, it was submitted by the Ld. Counsel of the Petitioner that the alleged mobile number (8684895665) from which the obscene photographs and videos were circulated does not belong to him and belongs to one <u>Manish</u> . However, the Hon'ble High Court again directed the Petitioner to join the investigation. True copy of order dated 08.02.2024 CRA-S-2443 of 2023 is hereby marked and annexed as ANNEXURE P-12; Pg. no: 65.
29.06.2024	In pursuant to <i>supra</i> , after 4 months, <u>3rd notice u/s 41-A of Cr.P.C</u> was served upon the Petitioner to join the investigation on 02.07.2024 at 10:00 AM which he duly joined on date specified. True and translated copy of notice dated 29.06.2024 is hereby annexed and marked as ANNEXURE P-13; Pg 66 to 67.

12.07.2024	<p>The Hon'ble High Court directed the Prosecution to file a <u>better status report</u> and continued the interim bail granted to Petitioner. However, no status report was filed by the Prosecution.</p> <p>True copy of order dated 12.07.2024 in CRA-S-2443 of 2023 is hereby marked and annexed as ANNEXURE P-14; Pg. 68.</p>
18.10.2024	<p><u>4th notice u/s 41-A of Cr.P.C</u> was served upon the Petitioner to join the investigation on 28.10.2024 at 10:00 AM which he duly joined on date specified.</p> <p>True and translated copy of notice dated 18.10.2024 is hereby annexed and marked as ANNEXURE P-15; Pg 69 to 70.</p>
10.12.2024	<p>The Hon'ble High Court erroneously dismissed the prayer of petitioner seeking pre-arrest bail by completely overlooking the fact that Petitioner had joined the investigation and gave his mobile phone along with the three contact numbers to the I.O. concerned; and the number i.e. <u>8684895665</u>, through which the obscene photographs of complainant were allegedly circulated does not belong to him and belong to one Manish. (IMPUGNED ORDER)</p>
03.01.2025	Hence, the present Special Leave Petition.

CRA-S-2443-2023 (O&M)

-1-

2024:PHHC:164816



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CRA-S-2443-2023 (O&M)

Date of Decision: 10.12.2024

Mukesh Kumar Singh

.... Appellant

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gaurav Gupta, Advocate for the appellant.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Mayank Gupta, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The appellant has preferred the present appeal against the impugned order dated 09.08.2023, passed by the learned Additional Sessions Judge, Jhajjar, vide which application for grant of anticipatory bail to the appellant in case FIR No. 175 dated 25.05.2023 registered under Sections 328, 376 and 506 IPC; Section 67A of the Information Technology Act, 2000 and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes Act, 1989 at Police Station Sector-6, Bahadurgarh, was dismissed.

On 02.09.2023, when this case was listed for hearing, following order was passed by this Court:-

"The appellant has preferred the present appeal against the impugned order dated 09.08.2023, passed by the learned Additional Sessions Judge, Jhajjar, vide which application for grant of anticipatory bail to the appellant in case FIR No. 175 dated 25.05.2023 registered under Sections 328, 376 and 506 IPC; Section 67A of the Information Technology Act, 2000 and Section 3(1)(s) of the



Scheduled Castes and Scheduled Tribes Act, 1989 at Police Station Sector-6, Bahadurgarh, was dismissed.

Learned counsel for the appellant submits that in para No. 2 of the impugned order it has wrongly been mentioned that 'the petitioner heard on regular bail application', which is a typographical error.

Learned counsel for the appellant, inter alia, submits that appellant is working as Head Constable in CISF since the year 1996. The allegations made in the FIR are absolutely false and fabricated, inasmuch, as it has been alleged that in the month of July, 2022, when the complainant along with her husband and children came at Bahadurgarh Metro Station, the appellant asked them to show their tickets. It is submitted that it is not the appellant's duty to check the tickets at Metro Station and, therefore, the allegations contained in the FIR are false. Further, as per the FIR, the appellant is alleged to have committed rape upon the complainant/prosecutrix in the month of December, 2022, however, the FIR was lodged after 06 months, on 25.05.2023. Further, no specific date and time of the alleged incident has been mentioned in the FIR. It is submitted that six mobile phone numbers have been mentioned in the FIR which do not belong to the appellant. He also submits that as per impugned order dated 09.08.2023, mobile phone number 8684895665 belongs to one Manish and the obscene photographs of the complainant/prosecutrix were sent from this number and the appellant has nothing to do with the abovesaid mobile number.

Notice of motion.

On the asking of Court, Mr. Arjun Lakhpal, Addl. A.G., Haryana, accepts notice on behalf of respondent-State.

Adjourned to 01.12.2023.

In the meantime, the appellant is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.: -

- i) *that the appellant shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) *that the appellant 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/her from disclosing such facts to the Court or to any police officer;*
- iii) *that the appellant shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the appellant



along with the details of pending FIRs, if any, on or before the next date of hearing."

Thereafter, when this case was listed for hearing on 08.02.2024, when learned counsel for the State has informed on instructions that although, the appellant had joined the investigation, however, he was not co-operating with the Investigating Agency as, mobile phone containing the alleged obscene photographs and videos which belongs to the appellant was yet to be recovered from him. As such, the appellant was directed to re-join the investigation and co-operate with the Investigating Agency.

Today, on instructions from Sh. Rakesh Kumar, Assistant Commissioner of Police, learned counsel for the State has informed that the appellant in his disclosure statement has revealed that he had broken the said second mobile phone containing the alleged obscene photographs and videos of the victim. It is accordingly, submitted that offence under Section 201 IPC has been added later on.

Learned counsel for the appellant has not been able to controvert the aforesaid submissions of learned counsel for the State.

Heard.

In view of the above and also keeping in view the totality of the facts and circumstances of the present case, the instant appeal is **dismissed.**

Pending application(s), if any, shall also stand disposed of.

10.12.2024
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

**IN THE HON'BLE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
[UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA R/W S.C.R.
ORDER XXII RULE 2(1)]**

SPECIAL LEAVE PETITION (Crl.) NO._____ OF 2025

(Arising out of an impugned final order and judgment dated 10.12.2024 passed by the Hon'ble High Court Punjab and Haryana in CRA-S No. 2443 of 2023)

(WITH PRAYER FOR INTERIM RELIEF)

IN THE MATTER OF:

POSITION OF PARTIES

	Before the Ld. Trial Court	Before the Hon'ble High Court	Before this Hon'ble Court
MUKESH KUMAR SINGH S/O Ram Nath Singh R/o Gram Mukundpur, Post Kadlipur (Basantpur), Makundpur, Gopinath, Vaishali, Bihar-844504	Accused	Appellant	Petitioner

V E R S U S

	Before the Ld. Sessions Court	Before the Hon'ble High Court	Before this Hon'ble Court
STATE OF HARYANA Through Deputy Superintendent of Police, Bahadurgarh P.S. Sector-6- Bahadurgarh, District Jhajjar, Haryana-124507	Prosecution	Respondent	Respondent

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF
THE SUPREME COURT OF INDIA AT NEW DELHI

THE HUMBLE PETITION OF
THE ABOVE-NAMED
PETITIONER:

MOST RESPECTFULLY SHOWETH:

1. The Petitioner has preferred the captioned Special Leave Petition before this Hon'ble Court assailing the final order and judgment dated 10.12.2024 passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh in CRA-S-2443 of 2023 whereby the Hon'ble High Court was pleased to dismissed the prayer of Petitioner seeking pre-arrest bail in connection with the FIR No. 175 dated 25.05.2023 registered at P.S. Sector-6, Bahadurgarh, for offences punishable u/s 328, 376 and 506 of Indian Penal Code, 1860 67A of the Information Technology Amendment Act and S. 3 (1)(s) of Scheduled Castes and Scheduled Tribes Act, 1989.

1A. That the affidavit in the present petition has been signed through the Petitioner.

2. QUESTIONS OF LAW:

The following substantial questions of law arise for consideration by this Hon'ble Court:

A. Whether the Hon'ble High Court ought to have appreciated that in accordance with law laid down by this Hon'ble Court in *Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, (2011) 1 SCC 694*, the right of prosecution to investigate is required to be balanced with right of accused guaranteed under Article 21 of the constitution of India ?

B. Whether the Hon'ble High Court ought to have appreciated that this is a *sui generis* case wherein the criminal law has been set in motion out of personal vengeance?

C. Whether the Hon'ble High Court ought to have appreciated that as per this Hon'ble Court in *Ashok Kumar v. State of U.T. Chandigarh., SLP (Crl.) No.9949 of 2023*, mere assertion of custodial interrogation cannot be a ground for dismissal of anticipatory bail?

D. Whether the Hon'ble High Court ought to have appreciated that disclosure statement of accused cannot be a ground to deny bail?

3. DECLARATION IN TERMS OF RULE 2(2):

That the Petitioner herein states that no other petition seeking special leave to appeal has been preferred by the Petitioner against the impugned judgment and final order dated 10.12.2024 passed by the Hon'ble High Court Punjab and Haryana, at Chandigarh, in CRA-S-2443 of 2023.

4. DECLARATION IN TERMS OF RULE 4:

That the Annexures P-1 to P-15 produced along-with the present Special Leave Petition are the true copies of the pleadings/documents which formed part of the records of the case before the Hon'ble High Court against whose order the leave to appeal is sought for in this petition.

5. GROUNDS:

The Petitioner implores the indulgence of this Hon'ble Court to grant Special leave to Appeal on the following grounds which are set out hereinafter *in seriatim* without prejudice to one-another:-

A. BECAUSE the Petitioner has approached this Hon'ble Court praying for special leave to appeal *inter-alia* on the following grounds:

- I. *Submissions vis-à-vis extra-marital relationship converted into false rape case;*
- II. *5 months of delay in lodging the FIR;*
- III. *Contents of FIR vague, ambiguous and improbable;*
- IV. *Petitioner has joined investigation and has cooperated by giving his mobile phone and all contact numbers;*

I. **SUBMISSIONS VIS-À-VIS EXTRA MARITAL RELATIONSHIP**

CONVERTED INTO FALSE RAPE CASE:

- B. BECAUSE, this is a *sui generis* case, wherein the complainant has misused the process of law by turning a sour extra marital relationship into a false, concocted and bogus rape case with sole intent to extort money from the Petitioner.
- C. BECAUSE, since 1996, Petitioner herein is a Head Constable in CISF and with an unblemished record *sans* any disciplinary proceedings *qua* him and at the outset, it is stated that the Petitioner herein is not disputing acquaintance with the complainant.
- D. BECAUSE, overtime the Petitioner and complainant developed feelings for each other and as a result, they ended up being into an extra marital

relationship which lasted around 7-8 months. Later, they also entailed in consensual physical relationship on umpteen occasions.

E. **BECAUSE**, the complainant on numerous instances (between October-December), during the extra-marital relationship demanded money from the Petitioner on pretext that her husband is not taking suffice care of her and her children. Consequently, the Petitioner finding the complainant in disturbed matrimonial situation, in all good faith, rendered monetary help to her.

F. **BECAUSE**, during the month of March-May 2023, the complainant taking an undue advantage of Petitioner's helpful comportment, started demanding exorbitant amount from him and when the Petitioner expressed his inability to pay the same, the complainant started blackmailing Petitioner that she will disclose about their extramarital relationship to his wife.

G. **BECAUSE**, fearing the same, the Petitioner again in May, 2023 paid around Rs. 40,000/- to the complainant. Thereafter, Complainant again demanded Rs 5,00,000/- from Petitioner as a settlement amount, but Petitioner denied to pay the same.

H. BECAUSE, only when the ill motive of the complainant to extort more money from the Petitioner did not fructify, the subject FIR was prompted to build further pressure.

I. BECAUSE, this Hon'ble Court and sundry High Courts, on plethora of instances, while granting bail or quashing the FIR had taken a view that after the relationship turns sour, it is deliberately given a criminal colour of rape with an ulterior motive and out of personal vengeance. (*Prashant v. State (NCT of Delhi)*, SLP (Crl.) No. 2793 of 2024; *Mahesh Damu Khare v. State of Maharashtra & Anr*, SLP (Crl.) No. 4326 of 2018; *Sandeep Kumar v. State of UP*, 2023 SCC OnLine All 56)

II. 5 MONTHS OF DELAY IN LODGING THE FIR

J. BECAUSE, it cannot be overlooked that, enormous delay in lodging of an FIR *sans* any reasonable justification, let the danger creep in for the introduction of coloured and delineated version.

K. BECAUSE, in the instance case, the complainant vaguely averred that she was allegedly raped by the victim in December, 2022 but surprisingly, the FIR was lodged after an inordinate delay of 5 months without assigning any justification to the delay.

L. BECAUSE, time and again this Hon'ble Court and High Court has held that delay in lodging FIR *sans* any explanation needs to be considered at the stage of adjudicating bail attending with other circumstances. (*Jai Prakash Singh v. State of Bihar*, 2012 (4) SCC 379; *Sumedh Singh Saini v. State of Punjab & Ors.*, 2021 15 SCC 588; *Dilawar Singh v. State of Delhi*, (2007) 12 SCC 641; *Sandeep Kumar v. State of UP*, 2023 SCC OnLine All 56; *Mohammad Wajid & Anr.v. State of U.P. & Ors.*, SLP (crl.) no. 10656 of 2022.,)

III. CONTENTS OF FIR VAGUE, AMBIGUOUS AND IMPROBABLE

-Not mentioning the name of Petitioner:-

M. BECAUSE, bare perusal of the FIR projects that it is filled with vagueness and ambiguity. The complainant, for reason best known to her, did not name the Petitioner in FIR, notwithstanding of the fact that, every officer be it from CISF agency or any other agency, has a clear name badge on his/her uniform as a mandatory rule.

N. BECAUSE, it is undisputed that Petitioner and complainant (along with her family) met on metro station and thereafter, they got to be in touch. Hence, it is inconceivable that the husband of the complainant and the

complainant herself, meeting the Petitioner at metro station and thereafter being in touch, were not able to figure out the real name of Petitioner.

O. BECAUSE, the complainant also failed to disclose that how and when Petitioner specifically got in touch with her since , as per her own version, the Petitioner took the mobile number of her husband.

-Duty of Petitioner as a CISF officer is only to frisk the baggage and passengers:-

P. BECAUSE, it is vaguely alleged in the FIR that Petitioner stopped the complainant and her husband for checking their tickets and further queried them about their caste and contact number.

Q. BECAUSE, it is hereby submitted that, the duty of the Petitioner on 06.07.2022 at Brigadier Hoshiyar Singh Metro Station was of "Morcha Duty". Petitioner being a head constable in CISF was only responsible for frisking the baggage and passengers. The duty of issuing and checking tickets are unquestionably vested with people employed under DMRC. Hence, the allegation of stopping complainant and her family for checking tickets falls flat.

-No location specified:-

R. BECAUSE, the complainant in completely vague manner alleges that, in December, 2022 Petitioner took her to some "unknown place"; made her unconscious and did wrong things with her. It is submitted that, any person, even if s/he is completely oblivious of the location, will at least describe the place whether it was open ground, room or terrace etc. However the complainant did not specify anything about the place of occurrence which *per se* creates shadow of doubt on the veracity of allegation.

-No approximate timeline specified:-

S. BECAUSE, the complainant has alleged that the Petitioner has disclosed her obscene photos to her husband and brother-in-law, however no specific/approximate timeline has been mentioned. She further alleged that her indecent photo was uploaded which she came to know from "another person" however, no specific of said person has been mentioned in the FIR or at later stage i.e. statement u/s 164 of Cr.P.C.

IV. PETITIONER HAS JOINED INVESTIGATION AND COOPERATED

T. BECAUSE, subsequent to interim protection by Hon'ble High Court, petitioner has duly joined the investigation. Pertinent to note that, the Petitioner has already given his mobile phone (RealMe) and all the three

mobile numbers used by him to the concerned I.O. The details of same are tabulated below:

S.NO.	MOBILE NUMBER	REMARK
1.	8987461233 <i>(under the name of Petitioner)</i>	Used for conversation with complainant.
2.	7091486976 <i>(under the name of Petitioner's sister-in-law);</i>	Shared with the Husband of complainant on 06.07.2022 at Metro Station.
3.	9821057506 <i>(under the name of Petitioner's wife)</i>	Nothing to do with the present incident.

U. BECAUSE, as per the status report, it is also abundantly clear, that mobile number **8684895665** from which the alleged indecent photos complainant was uploaded as WhatsApp status does not pertains to Petitioner and belongs to one Manish.

V. BECAUSE, apropos to above, the Petitioner has nothing to do with the aforesaid mobile number **8684895665** and the phone and mobile numbers (*supra*) which was being used by him is already seized with the I.O. concerned. Hence, there is nothing left to be recovered from the possession of Petitioner.

W. BECAUSE, recently, the Hon'ble High Court of Andhra Pradesh in *Avuthu Srinivas Reddy v. SHO* (Criminal Petition No. 6295 & 6306 of 2024) while granting regular bail opined that *accused not producing his mobile phone is not non-cooperation.*

X. BECAUSE, this Hon'ble Court in *Ashok Kumar v State of U.T. Chandigarh., SLP (Crl.) No.9949 of 2023*, had opined that *anticipatory bail can't be denied on mere assertion of state vis-à-vis custodial interrogation.*

Y. BECAUSE, the Petitioner was also coerced by the I.O. concerned to sign on 7-8 Blank papers on the pretext of investigation procedure. Subsequently, the said blank paper was used to make concocted disclosure statement; it is no more res integra that disclosure statement which are inadmissible as evidence cannot be relied upon to deny bail. Reliance in this regard is placed on *Rajesh Sharma V/s Directorate of Revenue Intelligence, 2018 SCC OnLine Del 12372.*,

6. GROUNDS FOR INTERIM RELIEF:-

That the Petitioner herein has made out a *prima facie* case in his favour and has every hope of success in the present Special Leave Petition. More-so, this

is a classic case wherein an extramarital relationship has been given a criminal colour of rape out of personal vengeance. Withal, the Petitioner has already joined the investigation and has submitted his mobile phone along with all the three mobile numbers to the I.O. concerned.

7. **MAIN PRAYER:-**

In the circumstances it is, therefore, most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to:

- A.** Grant the petitioner Special Leave to Appeal against the impugned final order and judgment dated 10.12.2024 passed by the Hon'ble High Court of Punjab and Haryana, at Chandigarh, in CRA-S-2443 of 2023;
- B.** Pass such further and other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

8. **PRAAYER FOR EX-PARTE INTERIM RELIEF: -**

Pending disposal of the instant Special Leave to Appeal, it is respectfully prayed that this Hon'ble Court may be pleased to:

- A.** Grant interim bail to the Petitioner during the pendency of the present petition in relation to the proceeding(s) emanating from FIR No. 175 dated 25.05.2023 at P.S. Sector-6 Bahadurgarh ;

B. Pass such other and further orders, as this Hon'ble Court may deem fit
and proper in the facts and circumstances of the case.

DRAWN BY:

Mr. Surya Pratap Singh, Adv
Mr. Kumar Gaurav, Adv

Filed By:



(AMARJEET SINGH)
Advocate for the Petitioner

Filed On: 03.01.2025
New Delhi

IN THE HON'BLE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (Crl.) NO. _____ OF 2025

IN THE MATTER OF:

MUKESH KUMAR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the High Court whose order is challenged, and documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/Annexures attached to the SLP are necessary to answer the question of law raised in the Petition or to make out grounds urged in the SLP for consideration of this Hon'ble Court. This certificate is given on the basis of instructions given by the Petitioner whose affidavit is filed in support of this Special Leave Petition.

Filed By:



(AMARJEET SINGH)

Advocate for the Petitioner

Filed On: 03.01.2025

New Delhi



30
02-01-2025

30 D

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CIAL LEAVE PETITION (CRL.) NO. 2025

**IN THE MATTER OF:
MUKESH KUMAR SINGH
VS.
STATE OF HARYANA**

Versus

...PETITIONER

...RESPONDENT

AFFIDAVIT

I, Mukesh Kumar Singh S/o Sh. Ram Nath Singh, aged 54 years R/o Gram Mukundpur Post-Kadilpur (Basantpur), Mukundpur Gopinath, Vaishali-Bihar-844505, presently at _____ do hereby solemnly affirm and state as under:

1. That I am the Petitioner in the captioned Special leave Petition. I am well conversant with the facts and circumstances of the case. Hence, I am competent to swear this affidavit.
 2. I state that the contents of Para 1 to 8 of the Special Leave Petition (page no 4 to 18) as well as synopsis and list of dates B to M and accompanying Applications have been read over to me. I state that the contents thereof are true and correct to the best of knowledge and belief.
 3. That I have read the accompanying Petition and have understood its contents. The facts stated therein are true and correct to my knowledge and the documents/annexure annexed along with the captioned Special Leave Petition are true and correct copies their respective original. No part of thereunder is false and nothing has been concealed therefrom.

Mukesh Kr Singh
DEONENT
at facts stated in the above
and belief, no part of it is
verified at _____ on this
(Signature)

VERIFICATION

I, the above-named deponent, do hereby verify and declare that facts stated in the above paragraphs of my affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom. Verified at _____ on this the _____ day of January, 2025.

19.
NOTARY
VAISHALI (MAIMPUR)

ANNEXURE P-1

कमाण्डेन्ट का कार्याल
केन्द्रीय औद्योगिक सुरक्षा बल
(गृह मंत्रालय)

473
14/07/20

12:40

संप. ई-42052 / केओसुब / पीपीटी(पी) / प्रशा.III / I.S.DUTY / 2020-

दिनांक : 13 / 07 / 2020.

EXC VIPLANT संचलन - आदेश

The following CISF personnel of this unit are hereby directed to proceed on temporary duty on I.S. duty pattern to CISF Unit, DMRC, Delhi to relieve the personnel of this unit as mentioned against their names, who are already deployed there. Necessary Handing/Taking over of arms and ammunition and other equipment shall be done accordingly. After completion of the said duty they will report back to this unit immediately.

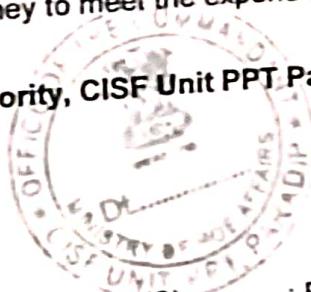
S.N.	CISF NO.	RANK	NAME		TO WHOM RELIEVE	
					SI/Exe	Arun Kumar
1.	160406834	SI/Exe	Jitendra Meena (Party I/C)	180204298		
2.	962310148	HC/GD	Mukesh Kumar Singh	934653864	HC/GD	Surender Kumar
3.	170712141	CT/GD	Ankur Kumar	170816119	CT/GD	Lavkush Kumar
4.	140509805	CT/GD	Amit Kumar	170517616	CT/GD	Diwakar Kumar Das
5.	170802505	CT/GD	Satwant Singh	170622024	CT/GD	Bishnu Singh Choudhary
6.	170809313	CT/GD	Manish Kumar	170621609	CT/GD	Santosh Kumar
7.	104672112	CT/GD	Jai Krishna Rai	170724988	CT/GD	Anurag Madhur
8.	072302701	CT/GD	Jitu Ketan Sunani	170100337	CT/GD	Bodkhe Vikas Manohar

02. Date & time of departure: 14.07.2020 (F/N)

03. On arrival at destination they will report in proper Uniform to the DIG CISF Unit, DMRC, Delhi for further instructions.
04. In case of any difficulty en-route and at the duty places etc. they will report to the local Police/CRPF/RPF/ Station Master and Coy Commander immediately for necessary assistance.
05. Strict Security and discipline will be maintained. No security/departmental matters will be discussed with any unauthorized person en-route.
06. Proper entry shall be made in Roznamcha before departure/after arrival.
07. They have not been issued Railway Warrant for their journey.

Special Instructions : They should maintain social distance during the journey, wear face mask and other precautions to contain COVID-19 infection. He will not accept any edible items from their co-passenger/strangers or any unknown person en-route. He will be in possession of full kit items, I Card winter cloths, sufficient money to meet the expenditure towards messing and other expenditure during I.S. Duty.

Authority : Competent Authority, CISF Unit PPT Paradip.



Distribution (Internal) :-

01. Jitendra Meena, SI/Exe (Party I/C)
No. 160406834 : For strict compliance.
02. Concerned Coy. Commander(s).
CISF Unit Unit, PPT, Paradip. : For kind information.

Copy to :-

01. DIG/CISF, SEZ-II HQrs., Mundali.
02. DIG/CISF, CISF Unit, DMRC, Delhi : For kind information please.
: - do -
RECEIVED ON 16/07/2020
ARRIVAL/DEPARTURE
ID NO. 591 Date 16/07/2020
Time 19:20

उप कमाण्डेन्ट प्रशा.
केओसुब इकाई पीपीटी पारादीप

Signature
Circular Seal

**Office of Commandant Central
Industrial Security Force
(Home Ministry)**

Kausub Unit, PPT Paradip
District- Jagatsinghpur (Orissa)

SP. E-42052/Kausub/PPT(P)/Admin.III/I.S. Duty/2020-1269

Date: 13.07.2020

Circulation Order

The Following CISF personnel of this unit are hereby directed to proceed on temporary duty on I.S. duty pattern to CISF Unit DMRC, Delhi to relieve the personnel of this unit as mentioned against their names who are already deployed there. Necessary Handing/taking over of arms and ammunition and other equipment shall be done accordingly. After completion of the said duty they will report back to this unit immediately.

S. No	CISF No.	Rank	Name	To whom relieve		
.						
1	160406834	SI/E xe	Jitendra Meena (Party I/C)	180 204 298	SI/Exe	Arun Kumar
2.	962310148	HC/ GD	Mukesh Kumar Singh	934 653 864	HC/G D	Surender Kumar

3.	170712141	CT/G D	Ankur Kumar	170 816 119	CT/GD	Lavkush Kumar
4.	140509805	CT/G D	Amit Kumar	170 517 616	CT/GD	Dwakar Kumar Das
5.	170802505	CT/G D	Satwant Singh	170 622 024	CT/GD	Bishnu Singh Choudhar y
6.	170809313	CT/G D	Manish Kumar	170 621 609	CT/GD	Santosh Kumar
7.	104672112	CT/G D	Jai Krishna Rai	170 724 988	CT/GD	Anurag Madhur
8.	072302701	CT/G D	Jitu Ketan Sunani	170 100 337	CT/GD	Bodkhe Vikas Manohar

02- Date & time of departure.: **14.07.2020 (F/N)**

03. On arrival at destination, they will report in proper Uniform to the DIG CISF Unit, DMRC Delhi for further instructions.

04. In case of any difficulty en-route and at the duty places etc. they will report to the local Police/CRPF/RPF/ Station Master and Coy Commander immediately for necessary assistance.

05. Strict Security and discipline will be maintained. No security/departmental matters will be discussed with any unauthorized person en-route.

06. Proper entry shall be made in Raznamcha before departure/after arrival

07. They have not been issued Railway Warrant for their journey.

Special Instructions: They Should maintain social distance during the journey, were face mask and other precautions to contain COVID-19 infection. He will not accept any edible items from their co-passenger/strangers or any unknown person en-route. He will be in possession of full kit items, I Card winter clothing's, sufficient money to meet the expenditure towards messing and other expenditure Durning I.S. Duty.

Authority: Competent Authority, CISF Unit PPT Paradip.

Sd/-

Deputy commandant

Distribution (Internal)

01. Jitendra Meena, SI/Exe (Party/IC) : For strict compliance.

No. 160406834

02. Concerned Coy. Commander(s).: For Kind Information

CISF Unit Unit, PPT, Paradip.

Copy to:-

01. DIG/CISF. SEZ-U HQrs., Mundali. : : For kind information.
02. DIG/CISF. CISF Unit, DMRC, Delhi: -do-

-TRUE TYPED COPY-

ANNEXURE P-2

25

अतिरिक्त एवं सुरक्षात्मक दूरी यात्रा नहीं। 2. किसी भी स्थान पर विदेशी समय हो सकता है जिसके लिए वापसी की जाता हो सकता है। 3. यात्रा के दौरान विदेशी समय हो सकता है। 4. यात्रा के दौरान विदेशी समय हो सकता है। 5. यात्रा के दौरान विदेशी समय हो सकता है। 6. यात्रा के दौरान विदेशी समय हो सकता है। 7. यात्रा के दौरान विदेशी समय हो सकता है। 8. यात्रा के दौरान विदेशी समय हो सकता है। 9. यात्रा के दौरान विदेशी समय हो सकता है। 10. यात्रा के दौरान विदेशी समय हो सकता है। 11. यात्रा के दौरान विदेशी समय हो सकता है। 12. यात्रा के दौरान विदेशी समय हो सकता है। 13. यात्रा के दौरान विदेशी समय हो सकता है। 14. यात्रा के दौरान विदेशी समय हो सकता है। 15. यात्रा के दौरान विदेशी समय हो सकता है। 16. यात्रा के दौरान विदेशी समय हो सकता है। 17. यात्रा के दौरान विदेशी समय हो सकता है। 18. यात्रा के दौरान विदेशी समय हो सकता है। 19. यात्रा के दौरान विदेशी समय हो सकता है। 20. यात्रा के दौरान विदेशी समय हो सकता है। 21. यात्रा के दौरान विदेशी समय हो सकता है। 22. यात्रा के दौरान विदेशी समय हो सकता है। 23. यात्रा के दौरान विदेशी समय हो सकता है। 24. यात्रा के दौरान विदेशी समय हो सकता है। 25. यात्रा के दौरान विदेशी समय हो सकता है।

CISF UNIT DMRC DELHI
ARRIVAL/DEPARTURE
GD No. 1739 Date 12/05/23
TIME 1525 HRS

NL
SIGNATURE

**उप महानिरीक्षक का कार्यालय
केन्द्रीय औद्योगिक सुरक्षा बल
(गृह मंत्रालय)**

केओसुब इकाई डीएमआरसी दिल्ली
रास्ती पार्क दिल्ली 110053
दिनांक: 12/05/2023

MOVEMENT ORDER

The following CISF personnel presently deployed in this unit on I.S. duty pattern from various battalion/Unit as mentioned against his/her/their names is/are hereby directed to return to unit for further duty. The details of ECL/Leave particular is/are mentioned here under:-

SL No	CISF No.	Rank	Name	Annual Unit Level Course & Leave availed during I.S.D- 2023	Details of ECL Year-2022/2023	Details of Reliever	Authority	Unit	Remarks
01	962310148	HC/GD	MUKESH KUMAR SINGH	Leave as Per M Power	<u>ECL-2023-</u> JAN-05, FEB-05, MAR-06, APR-10 & MAY-02	WITHOUT RELIEVER	DIG DMRC DELHI	PPT PARADIP	PII. 8987481233
02	170404057	L/CT/GD	SUNITA DAU	Leave as per M Power	<u>ECL-2022-</u> JAN-08, MAR-03, APR-01, MAY-08, JUNE-01, JULY-05 & AUG-04	WITHOUT RELIEVER	DIG DMRC DELHI	ASG BANGLORE	PII.8235560622

- 02. Date and Time of Departure: 12.05.2023 (A/N).
- 03. On arrival at destination, he will report to concerned Battalion/Unit Comdr. for further duties.
- 04. Strict security measure and discipline will be maintained enroute. In case of any difficulty he will report to MTO/RPF/Station Master or local police for necessary assistance by producing this movement order.
- 05. He/They/She will not accept any kind of food, Drinkable items, Cigarette, Tobacco from any unknown person while enroute. They will carry sufficient Dry food/Drinking Water.
- 06. He/They/She have not been issued railway warrant for their return journey.
- 07. He/They/She have been briefed well about the awareness of HIV +ve, AIDS + COVID-19.
- 08. He/They/She will travel in proper uniform and wear I-Card during journey.
- 09. He/They/She will adopt all precautionary measure while travelling by Train/bus.

Asst. Supt.
21/05/23
 सहायक कमाण्डेन्ट/प्रचालन
 केओसुब इकाई डीएमआरसी दिल्ली

प्रतिलिपि : -

01 संबंधित केओसुब इकाई प्रभारी : - कृपया आपके सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

वितरण : - 01. संबंधित बल सदस्य/पार्टी इन्चार्ज :- कृपया सूचनार्थ।
 02. संबंधित बटालियन प्रभारी

CISF UNIT, PPT, PARADIP

01. Departmental

02. G.D. No. 1093

03. D.T. 29.05.23 11:05 hrs

Sig. /.....

No. 1. 2023-24 ASY/Doc A-B1/May-23

ARRIVAL/DEPARTURE
GD NO. 1739 DATE 12/05/23
TIME 1525 HRS
SD/-
SIGNATURE

**OFFICE OF THE DEPUTY INSPECTOR GENERAL
CENTRAL INDUSTIRAL SECURITY FORCE
(MINSTRY OF HOME AFFAIRS)**

**KEANSUM UNIT DMRC DELHI
SHASHTRI PARK DELHI 110053
DATED 12/05/2023**

SL. E38015/KEANSUM/DMRC/ISD/2023/8958

MOVEMENT ORDER

The following CISF personnel presently deployed in this unit on I.S. duty pattern from various battalion/Unit as mentioned against his/her/their names is/are hereby directed to return to unit for further duty. The details of ECU/Leave particular is/are mentioned here under:-

Sl. No.	CISF No.	Rank	Name	Annual Unit Level course & Leave availed during ISD-2023	Details of ECL Year- 2022/2023	Details of reliever	Authority	Unit	Remarks
01	9623110148	HC/GD	Mukesh kumar Singh	Leave as per Power	ECL- 2023- JAN-05, FEB-05, MAR-06, APR-10 & MAY-02	WITH OUT RELIEVER	DIG DMRC DELHI	PPT PARADIP	PH. 8987481233

For SL No. 01-individual has granted 15 days EL Leave wef 13.05.2023 along with eligible permissions and after completion of said leave, He has directed to reports to CISF Unit PPT Pradip for further duty.

02	170404057	L/CT/GD	SUNITA DAI	Leave as per power	ECL- 2023 JAN-08, MAR-03, APR-01, MAY-08,	WITH OUT RELIEVER	DIG DMRC DELHI	ASG BANGLORE	PH 8235560622
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				JUNE- 01, JULY- 05 & AUG-04			
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02. Date and Time of Departure: 12 .05.2023 (A/N).
03. On arrival at destination be will report to concern Battalion/Unit Comdr. for further duties.
04. Strict security measure and discipline will be maintained enroute. In case of any difficulty, he will report to MTO/RPF/Station Master or local police for necessary assistance by producing this movement order.
05. He/They/She will not accept any tind of food. Drinkable items, Cigarette. Tobacco from any unknown person while enroute. They will carry sufficient Dry food/Drinking Water.
06. He/They/She have not been issued railway warrant for their return journey.
07. He/They/She have been briefed well about the awareness of HIV +ve. AIDS+ COVID-19.
08. He/They/She will travel in proper uniform and wear I-Card during journey.
09. He/They/She will adopt all precautionary measure, while Travelling by Train/bus.

Sd/-

12.05.23

Assistant Commandant/operations
Kausub Unit DMRC Delhi

Copy:-

01. Concerned Kausub unit in charge :- Please for you information and necessary action.

Distribution

01. Concerned force :- Please for your information and Member/party/incharge necessary action.

02. Concerned Battalion incharge :- Please for information

FIRST INFORMATION REPORT**(Under Section 154 Cr.P.C.)**

1. District: Jhajjar P.S.: Sector-6, Bahadurgarh Year:2023

2. FIR No.175 **Dated: 25.05.2023** 16:45 hrs

Act (s):	Section (s):
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(i) IPC 1860	328/376/506
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(ii) IT Amendment Act 2008	67a
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(iii) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 Amendment 2015	3(1)(s)
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3. Occurrence of Offence: unknown date and time

(a) Day: Saturday	Date From:	Date to:
-------------------	------------	----------

Time Period:	Time From:	Time to:
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(b) Information received at P.S.:	Date:25.05.2023	Time 14:56 hrs
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(c) General Dairy Reference:	Entry No.015	Time 14:56 hrs
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4. Type of information: WRITTEN

5. Place of occurrence:

(a) Direction & Distance from P.S. North - 2 Km	Beat No.:
---	-----------

(b) Address: Sakhol, Bahadurgarh.	
-----------------------------------	--

(c) In case, Outside the limit of Police Station:	
---	--

Name of P.S.:	District:
---------------	-----------

6. Complainant/ information:

(a) Name: S	Husband's Name: M
-------------	-------------------

(b) Birth Year: 1996

Nationality: INDIA

(c) Passport No.

Date of Issue:

Place of issue

(d) Occupation

(e) Address: XXXX

7. Details of Known/ Suspect/ Unknown accused with full particulars

(attach separate sheet if necessary):

1. Manoj Shukla

At Present Metro Sector-6,

Bahadurgarh, Jhajjar, Haryana, India

8. Reason for delay in reporting by the complainant/ information:

9. Particulars of the properties stolen/ involved (attach separate sheet if necessary):

SI. No.	Property Type (Description)	Est. Value (Rs.)	Status
(i)	Others	Miscellaneous	

10. Total value of property stolen:

11. Inquest Report/ U.D. Case No., if any:

12. F.I.R. Contents (attach separate sheet, if required):

To, The Superintendent of Police, Jhajjar, Sub: complaint for registering the case. Sir, it is submitted that victim S w/o M caste SC, r/o xxxx. My husband is doing job in Parle company and I have three children and their names are Manu, Mona and Barkha. In the month of July 2022 I came from U.P. with my husband at Bahadurgarh for some work. While crossing the Metro one person met and told his name Manoj Shukla and asked us to show the tickets. Then he started insisting us to show the tickets and asked the name, caste and mobile number from my husband and he himself told us that he is resident of Gazipur (UP) and thereafter he talked very sweetly to us and also said that if you have any problem then he is always ready for help within 24 hours. My children Manu and Mona always remain ill due to fever and thereafter Manoj Shukla started talking to us on phone. Manoj Shukla told me that there is a religious place where there is a very good exorcism where

your children will be cured without medicine and expenses. In the month of December 2022 Manoj Shukla on his scooty on the pretext of talking her to occultist took me to some unknown place and there he gave me juice and after that I became unconscious and when I regained consciousness I realized that Manoj Shukla had done wrong with me so I asked Manoj Shukla that why you did wrong with me by taking off my clothes. Then he said, lower caste Chamaari, I wanted to enjoy sex with you by getting you intoxicated in the juice and he showed me the photos and videos of his dirty work with me in his mobile. My mobile No. is 9991935868 and mobile no. of Manoj Shukla is 9311156651, 7091486976, 8684895665, 9628516298, 8172960026 and 7428483858. Manoj Shukla threatened me that she would have to come when he called otherwise he would show this 1 video to my husband and in laws and make it viral. He forcibly molested me many times in many places and tried to do wrong things. Manoj Shukla threatens me that if you do not fulfill my sexual desire then I will not leave you anywhere worth showing your face. When I stopped saying yes to him then he made my obscene photo viral on net and by showing to my husband and brother in law and he also uploaded my nude photo on his own status which I came to know from another person. I asked him many times not to make my photos viral, then he got angry and said that I will kill you and your children. Hence it is requested to you kindly take legal action against abovementioned Manoj Shukla. Thanking you Sd/- S w/o M came into the police station and submit one written complaint and as per the contents of the complaint offence under section 328/376/506 IPC 3(1)(S) SC/ST Act and 67A IT Act, Police Station Sector-6, Bahadurgarh has been registered and copies of FIR has been prepared through computer and sent to the Illaqa Magistrate and concerned officers through e-mail. Dak. Sir, in the present case duty officer is P/SI Aakash Police Station Sector-6, Bahadurgarh.

13. Action Taken (Since the above information reveals commission of offence (s) u/s as mentioned at item No.2:

(i) Registered the case and took up the investigation OR

(ii) Directed (Name of the I.O): Dharambir Singh Rank: DSP ()

No.: HPS to take up the investigation,

(iii) Refused investigation due to: OR

(iv) Transferred to P.S. (name): District:

on point of jurisdiction.

F.I.R. read over to the complainant/ information, admitted to be correctly recorded and a copy given to the complainant/ information, free of cost:

R.O. A.C.

14. Signature/Thumb Impression

Signature of Officer

Of The Complainant/ Information:

Name: Anil Kumar

Rank: Inspector

No. Nil

15. Date and Time of dispatch to the court:

-True translation Copy-

ANNEXURE R-1

Statement U/s 164 Cr.P.C
 FIR No.175 dated 25.05.2023, U/s 323,376,506 of IPC, Section 67A of IT Act and
 Section 3(1(s) of SC/ST Act, PS- Sector-6, Bahadurgarh
 Statement of Sxxxx w/o Rxxxx R/o Zxxxx

Question:- Are u giving the statement willing ? ON S.A

Answer:- Yes, sir

Question:- Have u any pressure?

Answer:- No, sir

Question:- What do you want to say ?

Answer:- State that in July 2022 we were coming from the village with children. We came in the metro, met a person there. He called him Manoj Shukla. He asked for the ticket. He started asking my husband about his caste. My husband told that caste is SC. He started talking sweetly and told that he is also from Gazipur. He took name and address and mobile number from my husband. After taking mobile number started talking over the phone. Suddenly my son and daughter got ill. He then called and told that there is a pious place where exorcism takes place. This is of December 2022. There the child will get well without any money and medicine. He told to go on his scooter. We went on his scooter. Then he made me drink pomegranate juice. I became unconscious. When I regained consciousness, then there were no clothes on my body. Manoj Shukla was there. When I asked why did he do such wrong act then he said that you are a SC. I had to take fun from you and I have taken. He showed my pictures in his mobile phone and told that if I do not agree then he will show these pictures to my in laws family. Started threatening me regularly. When I refused to agree to his terms then he started sending my picture. He is regularly threatening me. He is threatening to kill my child as well. Regularly abusing me.

Question:- Do you want to say something else?

Ans:- No, sir

sd/-

R.O & A.C

identified by

Garima Yadav

Sd/- Sxxxx

Sd/-

D/JFMC, Bhd

Statement U/s 164 Cr.P.C

FIR No.175 dated 25.05.2023, U/s 323,376,506 of IPC, Section 67A of IT Act and Section3(1(s) of SC/ST Act, PS- Sector-6, Bahadurgarh

Statement of Sxxxx w/o Rxxxx R/o Zxxxx

ON S.A

Question: Are u giving the statement willing?

Answer: Yes, sir

Question:- Have u any pressure?

Answer:- No, sir

Question: What do you want to say?

Answer:- State that in July 2022 we were coming from the village with children. We came in the metro, met a person there. He called him Manoj Shukla. He asked for the ticket. He started asking my husband about his caste. My husband told that caste is SC. He started talking sweetly and told that he is also from Gazipur. He took name and address and mobile number from my husband. After taking mobile number started talking over the phone. Suddenly my son and daughter got ill. He then called and told that there is a pious place where exorcism takes place. This is of December 2022. There the child will get well without any money and medicine. He told to go on his scooty We went on his scooty. Then he made me drink pomegranate juice. I become unconscious. When I regained consciousness, then there were no clothes on my body. Manoj Shukla was there when I asked why did he do such wrong act then he said that you are a SC.I had to take fun from you and I have taken. He showed my pictures in his mobile phone and told that if I do not get agree then he will shown these picture to my in laws family Started threatening me regularly. When I refused to agree to his terms then he started sending my picture. He is regularly threatening me. He is threatening to kill my child as well. Regularly abusing me.

Question:- Do you want to say something else?

Ans:- No, sir

Sd/-

R.O & A.C

identified by

Garima Yadav

Sd/-Sxxxx

Sd/-

D/JFMC, Bhd

धारा से 06 बहादुरगढ़जिला अधिकारीCr.P.C की धारा 41-A के अधीन नोटिस

क्रमांक ९६-८ दिनांक ०३-०८-२३

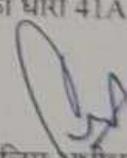
नाम मुकेश कुमार पुत्र रामनाथ वारी मुकुन्दपुर पो० कादिलपुर जिला वैशाली विहार

मैं सी० आर० पी० सी० की धारा 41 ए के अधीन मिली शक्तियों का प्रयोग करते हुए, आपको सूचित करता हूँ कि धारा से 06 बहादुरगढ़ में धारा 328,376,506 IPC & 3(1)(s) SC/ST Act & 67 A IT Act के अधीन दर्ज की गई प्रथम सुचना रिपोर्ट/मुकदमा न० 175 तिथि 25.05.2023 की तफतीश के दौरान यह सामने आया है कि वर्तमान तफतीश के सम्बन्ध में तथ्यों और हालातों को जानने के लिए आपसे प्रश्न किये जाने के बाबिल आधार है। इसलिए आपको कार्यालय उप पुलिस अधीक्षक, बहादुरगढ़ में दिनांक 09.08.2023 को 11.00 बजे सुबह मेरे सम्मुख पेश होने के निर्देश दिए जाते हैं।

आपको अप्रतिक्रियित सभी हिदायतों की पालना करने का आदेश दिया जाता है:-

1. आप भविष्य में कोई अपराध नहीं करोगे।
2. आप केस से सम्बन्धित सबुतों में किसी भी प्रकार की हेरा फेरी नहीं करोगे।
3. आप केस के तथ्यों के जानकार किसी भी व्यक्ति को धमकी/लालच या कोई वादा नहीं करोगे, जिससे वह न्यायालय या पुलिस अफसर को उन तथ्यों को बताने से मना करे।
4. किसी भी समय जरूरत/आदेश होने पर आप कोर्ट के समक्ष पेश होगे।
5. आप मुकदमा की तफतीश में जरूरत होने पर शामिल होगे और तफतीश में सहयोग करोगे।
6. आप तफतीश से सम्बन्धित किसी भी भाग को छुपाये बगैर सभी तथ्यों को सच्चाई पूर्वक प्रकट करोगे ताकि केस के सही निष्कर्ष तक पहुँचा जा सके।
7. आप तफतीश से सम्बन्धित उन सभी संसाधन/दस्तावेज को पेश करोगे जिनकी तफतीश में जरूरत होगी।
8. आप अपराध करने में सहायक व्यक्तियों को पकड़ने में अपना पूरा सहयोग/सहायता दोगे।
9. आपको किसी भी हालात में मुकदमे की तफतीश से सम्बन्धित किसी भी प्रकार के सबुतों को नष्ट करने की अनुमति नहीं है।
10. कोई भी अन्य शर्तें जो मुकदमे के तथ्योंनुसार, अनुसंधान अधिकारी या एस० एच० ओ० द्वारा लगाई जाती है, वह मान्य होगी।

आप हाजिर न होने या इस नोटिस की शर्तों की पालना करने में असफल होने पर Cr.P.C की धारा 41A तथा (4) के अधीन गिरफ्तारी के भागी होगे।



उप पुलिस अधीक्षक, बहादुरगढ़
दिनांक- 03.08.2023

Police Station Sec. 6, Bahadurgarh District Jhajjar

NOTICE UNDER SECTION 41-A Cr.P.C.

Sr. No. 96-R dated 03.08.23

Name – Mukesh Kumar S/o Ramnath R/o Mukundpur, Po. Kadilpur, District Vaishali, Bihar

In exercise of the powers conferred under subsection (1) of section 41A Cr.P.C., I hereby inform you that during the investigation of FIR/Case No. 175 dated 25.05.2023 u/s 328, 376, 506 IPC & 3(1)(s) SC/ST Act & 67A IT Act registered at Police Station Sec. 6, Bahdurgarh, it is revealed that there are reasonable grounds to question you to ascertain facts and circumstances from you, in relation to the present investigation. Hence you are directed to appear before me at Office of Deputy Superintendent of Police, Bahadurgarh at 11:00 a.m. on 09.08.2023.

You are directed to comply with all the following directions:-

1. You will not commit any offence in future.
2. You will not tamper with the evidences related to the case in any manner whatsoever.
3. You will not make any threat, inducement, or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing, such facts to the court or to the police officer.
4. You will appear before the Court as and when required/directed.

5. You will join the investigation of the case as and when required and will cooperate in the investigation.
6. You will disclose all the facts truthfully without concealing any part relevant for the purpose of investigation to reach to the right conclusion of the case.
7. You will produce all relevant documents/material required for the purpose of investigation.
8. You will render your full co-operation/assistance in apprehension of the accomplice.
9. You will not allow in any manner destruction of any evidence relevant for the purpose of investigation/trail of the case.
10. Any other conditions, which may be imposed by the Investigating Officer or SHO as per the facts of the case.

Failure to attend/comply with the terms of this Notice, can render you liable for arrest under Section 41A and (4) of CrPC.

Sd/- illegible

Deputy Superintendent of Police,

Bahadurgarh

Dated 03.08.2023

Mukesh Vs. State of Haryana.

1

IN THE COURT OF SUDHIR JIWAN, ADDITIONAL SESSIONS JUDGE,
DISTRICT JHAJJAR, STATE OF HARYANA
(UID NO. HR0087).

HRJR010066522023



CIS No. BA 1307 of 2023.

Date of institution: 08.08.2023.

Date of Order: 09.08.2023.

Mukesh Kumar Singh son of Ram Nath Singh, resident of Gram Mukundpur, Post Kadlipur (Basantpur), Mukundpur, Gopinath, Vaishali, Bihar.

.....Accused/Applicant.

Versus

State of Haryana.

..... Respondent.

FIR No. 175 dated 25.05.2023

U/Ss.: 328, 376, 506 of IPC & 67A IT Act & 3(1)

(s) SC/ST Act.

P. S. : Sector-6, Bahadurgarh

APPLICATION FOR BAIL U/S 438 OF THE CR.P.C.

Present: Sh. Jai Vardhan, counsel for accused/applicant.
Sh. Karambir Rathi, Ld. Public Prosecutor for the State of Haryana.

Order:

Reply to the bail application already filed.

2 Heard on the regular bail application of accused/applicant Mukesh Kumar who has been arrayed for committing the offences punishable under sections 328, 376, 506 of IPC & Section 67A IT Act & Section 3(1)(s) SC/ST Act.

3 Prosecution case in nutshell is that the prosecutrix moved an application to the police that she is resident of village Hasanpur, District Gazipur (U.P) and at present she is residing in village Sankhol, Tehsil Bahadurgarh, District Jhajjar on rent. She is having three children and her husband is working in

Parle Company. In the month of July 2022, she along with her husband came to Bahadurgarh in search of a job. On metro station, one person who told his name as Manoj Shukla asked them to show their tickets. He in a unyielding manner demanded prosecutrix to disclose the name of her husband, caste, address and mobile number. He also told the prosecutrix is that he is also from Gazipur. Thereafter, he had sweet talks with her and told her that he is always ready to help her out from any problem within 24 hours. Mannu and Mona her children always used to remain ill. Manoj Shukla started talking with her on phone. Manoj Shukla told her that he knows occultist who with the help of witchcraft that cured many children. In the month of December 2022, Manoj Shukla on his Scooty on the pretext of taking her to occultist took her to some unknown place. There he mixed something in the Juice. After drinking juice, she became unconscious. When she regained consciousness, she found that she has been raped by Manoj Shukla. When she asked as to why he took out her clothes, then Manoj Shukla called her Chamari. He had also made her video and told her that she will come to him as and when he would demand. Otherwise, he would show the video to her husband and in-laws and would also make it viral. Thereafter, he forcibly raped her on several occasions. He had also forwarded her nude photographs to her husband, brother-in-law and had also made it viral by uploading on the internet. He has posted her nude photograph on her Whats App Status. On the basis of aforesaid information, case under Section 328, 376, 506 of IPC & Section 67A IT Act & Section 3(1)(s) SC/ST Act was registered. She told the police her mobile number and mobile phone of Manoj Shukla.

4 During investigation, it was found by the police that the accused name is Mukesh Kumar Singh and not Manoj Shukla. It was also found that he took her to Welcome INN where she was given Juice and was raped. While

checking the Whats App mobile No. 8684895665, it was found that nude photograph of prosecutrix was there on the Whats App status. As per the mobile record, this phone is in the name of Manish son of Jagbir, resident of Gali No. 15, Vikas Nagar, Linepar Bahadurgarh. It was also found that accused/applicant used talk with prosecutrix through his mobile Phone Nos. 9311156651, 7091486976, 8684895665, 9628516298, 8172960026, 7428483858 on the prosecutrix mobile No. 9991935868. During investigation, Manish son of Jagbir Singh told the police that he never took or used mobile No. 8684895665.

5 The anticipatory bail application of accused/applicant has been strongly opposed by the Public Prosecutor. He has submitted that accused is guilty of committing offence u/s 328, 376, 506 of IPC & Section 67A IT Act & Section 3(1)(s) SC/ST Act. Therefore, the bail application of accused/applicant be dismissed.

6 Counsel for the accused/applicant at the time of argument has submitted that the prosecutrix with regard to the occurrence which took in the month of December 2022 has lodged FIR only on 25.05.2023, after a enormous delay. That to against unknown persons because there Manoj Shukla as mentioned by her in the FIR. The accused is working in CISF. He could have been easily identified by the prosecutrix. Despite that accused/applicant is ready and willing to join the investigation. Therefore, accused/applicant be granted Anticipatory bail.

7 This Court has heard both the counsels.

8 It is not disputed that the prosecutrix is illiterate woman who from her village Hasanpur, District Gajipur (UP) for the first time came to Bahadurgarh in search a job . Therefore, she may not to smart enough to know that the real name of the accused/applicant is Mukesh Kumar Singh and not Manoj Shukla or

that Mukesh Kumar Singh may have disguised himself as Manoj Shukla. Further, the presence of nude photograph on the Whats App profile of phone No. 8684895665, (though issued in the name of Manish but was never taken by Manish as has come in the investigation) at this stage, makes out a case in favour of prosecutrix.

9 Taking into consideration the above facts, no case of anticipatory bail is made out in favour of accused/applicant. Accordingly, the anticipatory bail application of accused/ applicant stand dismissed. File be consigned to record room.

Pronounced in open court.
09.08.2023.

Sudhir Jiwan,
Addl. Sessions Judge,
Jhajjar, UID No.HR-0087

Shalu

ANNEXURE P-7

थाना सै 06 बहादुरगढ़जिला झज्जरCr.P.C की धारा 41-A के अधीन नोटिस

क्रमांक 123/R दिनांक २९-८-२३

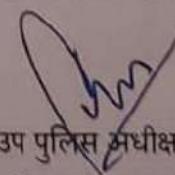
नाम मुकेश कुमार पुत्र रामनाथ वासी मुकुन्दपुर पो० कादिलपुर जिला वैशाली बिहार

मैं सी0आर0पी0सी0 की धारा 41 ए की उपधारा (1) के अधीन मिली शक्तियों का प्रयोग करते हुए, आपको सूचित करता हूँ कि थाना सै 06 बहादुरगढ़ में धारा 328,376,506 IPC & 3(1)(s) SC/ST Act & 67 A IT Act के अधीन दर्ज की गई प्रथम सुचना रिपोर्ट/ मुकदमा न० 175 तिथि 25.05.2023 की तफतीश के दौरान यह सामने आया है कि वर्तमान तफतीश के सम्बन्ध में तथ्यों और हालातों को जानने के लिए आपसे प्रश्न किये जाने के वाजिब आधार है। इसलिए आपको कार्यालय उप पुलिस अधीक्षक, बहादुरगढ़ में दिनांक 09.08.2023 को 11.00 बजे का समय दिया गया लेकिन आप हाजिर कार्यालय नहीं आए और आप द्वारा अपनी अग्रीम जमानत अदालत श्री सुधीर जीवन अतिरिक्त जिला सैशन जज झज्जर में लगाई गई जो खारीज हुई। अत आपको दिनांक 31.08.23 को सुबह मेरे सम्मुख पेश होने के निर्देश दिए जाते हैं।

आपको अग्रलिखित सभी हिदायतों की पालना करने का आदेश दिया जाता है:-

1. आप भविष्य में कोई अपराध नहीं करोगे।
2. आप केस से सम्बन्धित सबुतों में किसी भी प्रकार की हेरा फेरी नहीं करोगे।
3. आप केस के तथ्यों के जानकार किसी भी व्यक्ति को धमकी/लालच या कोई वादा नहीं करोगे, जिससे वह न्यायालय या पुलिस अफसर को उन तथ्यों को बताने से मना करे।
4. किसी भी समय जरूरत/आदेश होने पर आप कोर्ट के समक्ष पेश होगे।
5. आप मुकदमा की तफतीश में जरूरत होने पर शामिल होगे और तफतीश में सहयोग करोगे।
6. आप तफतीश से सम्बन्धित किसी भी भाग को छुपाये बगैर सभी तथ्यों को सच्चाई पूर्वक प्रकट करोगे ताकि केस के सही निष्कर्ष तक पहुँचा जा सके।
7. आप तफतीश से सम्बन्धित उन सभी संसाधन/दस्तावेज को पेश करोगे जिनकी तफतीश में जरूरत होगी।
8. आप अपराध करने में सहायक व्यक्तियों को पकड़ने में अपना पूरा सहयोग/सहायता दोगे।
9. आपको किसी भी हालात में मुकदमे की तफतीश से सम्बन्धित किसी भी प्रकार के सबुतों को नष्ट करने की अनुमति नहीं है।
10. कोई भी अन्य शर्तें जो मुकदमे के तथ्योंनुसार, अनुसंधान अधिकारी या एस० एच० ओ० द्वारा लगाई जाती है, वह मान्य होगी।

आप हाजिर न होने या इस नोटिस की शर्तों की पालना करने में असफल होने पर Cr.P.C की धारा 41A तथा (4) के अधीन गिरफतारी के भागी होगे।



उप पुलिस अधीक्षक, बहादुरगढ़
दिनांक- 29.08.2023

Police Station Sec. 6, Bahadurgarh District Jhajjar

NOTICE UNDER SECTION 41-A Cr.P.C.

Sr. No. 123/R dated 29.08.23

Name – Mukesh Kumar S/o Ramnath R/o Mukundpur, Po. Kadilpur, District Vaishali, Bihar

In exercise of the powers conferred under subsection (1) of section 41A Cr.P.C., I hereby inform you that during the investigation of FIR/Case No. 175 dated 25.05.2023 u/s 328, 376, 506 IPC & 3(1)(s) SC/ST Act & 67A IT Act registered at Police Station Sec. 6, Bahdurgarh, it is revealed that there are reasonable grounds to question you to ascertain facts and circumstances from you, in relation to the present investigation. Therefore, you was asked to appear at Office of Deputy Superintendent of Police, Bahadurgarh at 11:00 a.m. on 09.08.2023 but you didn't appear and you have filed anticipatory bail before Shri Sudhir Jivan, Additional District & Sessions Judge, Jhajjar which was dismissed. Hence, you are directed to appear before me in morning of 31.08.23.

You are directed to comply with all the following directions:-

1. You will not commit any offence in future.
2. You will not tamper with the evidences related to the case in any manner whatsoever.
3. You will not make any threat, inducement, or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing, such facts to the court or to the police officer.
4. You will appear before the Court as and when required/directed.
5. You will join the investigation of the case as and when required and will cooperate in the investigation.
6. You will disclose all the facts truthfully without concealing any part relevant for the purpose of investigation to reach to the right conclusion of the case.
7. You will produce all relevant documents/material required for the purpose of investigation.
8. You will render your full co-operation/assistance in apprehension of the accomplice.
9. You will not allow in any manner destruction of any evidence relevant for the purpose of investigation/trail of the case.

10. Any other conditions, which may be imposed by the Investigating Officer or SHO as per the facts of the case.

Failure to attend/comply with the terms of this Notice, can render you liable for arrest under Section 41A and (4) of CrPC.

Sd/- illegible

Deputy Superintendent of Police,

Bahadurgarh

Dated 29.08.2023

ANNEXURE P-8

104

CRA-S-2443-2023 (O&M)MUKESH KUMAR SINGH V/S STATE OF HARYANA

Present : Mr. Gaurav Gupta, Advocate for the appellant.

The appellant has preferred the present appeal against the impugned order dated 09.08.2023, passed by the learned Additional Sessions Judge, Jhajjar, vide which application for grant of anticipatory bail to the appellant in case FIR No. 175 dated 25.05.2023 registered under Sections 328, 376 and 506 IPC; Section 67A of the Information Technology Act, 2000 and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes Act, 1989 at Police Station Sector-6, Bahadurgarh, was dismissed.

Learned counsel for the appellant submits that in para No. 2 of the impugned order it has wrongly been mentioned that 'the petitioner heard on regular bail application', which is a typographical error.

Learned counsel for the appellant, *inter alia*, submits that appellant is working as Head Constable in CISF since the year 1996. The allegations made in the FIR are absolutely false and fabricated, inasmuch, as it has been alleged that in the month of July, 2022, when the complainant along with her husband and children came at Bahadurgarh Metro Station, the appellant asked them to show their tickets. It is submitted that it is not the appellant's duty to check the tickets at Metro Station and, therefore, the allegations contained in the FIR are false. Further, as per the FIR, the appellant is alleged to have committed rape upon the complainant/prosecutrix in the month of December, 2022, however, the FIR was lodged after 06 months, on 25.05.2023. Further, no

CRA-S-2443-2023 (O&M)

-2-

specific date and time of the alleged incident has been mentioned in the FIR. It is submitted that six mobile phone numbers have been mentioned in the FIR which do not belong to the appellant. He also submits that as per impugned order dated 09.08.2023, mobile phone number 8684895665 belongs to one Manish and the obscene photographs of the complainant/prosecutrix were sent from this number and the appellant has nothing to do with the abovesaid mobile number.

Notice of motion.

On the asking of Court, Mr. Arjun Lakhpal, Addl. A.G., Haryana, accepts notice on behalf of respondent-State.

Adjourned to 01.12.2023.

In the meantime, the appellant is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the appellant shall make himself available for interrogation before the Investigating Officer as and when required;*

- ii) that the appellant 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/her from disclosing such facts to the Court or to any police officer;*

CRA-S-2443-2023 (O&M)

-3-

iii) that the appellant shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the appellant along with the details of pending FIRs, if any, on or before the next date of hearing.

02.09.2023

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**(NIDHI GUPTA)
JUDGE**

Annexure R-9

District Jhajjar

21/2 through:- Sxxx wife Mxxxx resident Hal village Sankhaul, Bahadurgarh.

No. 175 dated 25.05.2023 Section 328, 376, 506 IPC and 67A IT ACT and 3(1) (s) SC/ST ACT
Police Station Sector 6 Bahadurgarh.

versus- Mukesh Kumar son of Ramnath resident of Mukundpur P.O. Kadilpur District Vaishali
Bihar

Disclosure statement of accused Mukesh Kumar

During the investigation in presence of the following witnesses, the accused Mukesh Kumar son of Ramnath, resident of Mukundpur P.O., Kadilpur, District Vaishali, Bihar, without any fear, apprehension, greed or pressure himself confessed to the police that I am a resident of the above address and working in CISF. I am currently posted at Gaya Bihar Airport, before this I was posted at Delhi Metro. On 06 July 2022, I was posted on security duty at Brigadier Hoshyar Singh Metro Station Bahadurgarh. During my duty, I met Sarita Devi, wife of Mukhram, who was with her husband and children. During our conversation, I took her mobile number and gave her my. I Started talking from mobile numbers 9311156651, 7091486976, 8684895665, 9628516298, 8172960026 and 7428483858 and out of which 7091486976 is in the name of my sister-in-law Malti Devi, which I have been using since 2014 and the remaining SIM is 9311156651, 8684895665, 9628516298, 8172960026 and 7428483858. They were taken under some pretext from the people working below the metro station whom I do not know. I spoke to Sarita from my mobile number 8987461233. Sarita and I became good friends. I seduced Sarita and took her with me to Peeragarhi Hotel twice and did wrong things with her, during which I also took some semi-nude photographs of her. While on duty, on the pretext of checking, I had taken a photo of the ID of a woman named Aarti and used to give Aarti's ID as Sarita's ID in the hotel. After that, Sarita's husband came to know about our friendship and there was a fight between me and Sarita. I angrily sent her photo to her acquaintances and called Sarita and threatened to kill her if she took any action. The mobile SIM which I had used, I broke it and threw it away and I can get the body of the hotel where I had taken Sarita and did wrong things with her and took her semi-nude photos which are on record. My numbers given are 7098486976 and 8987461233 which by mistake is written as 7098486976 instead of 7091486976 which is now closed by me, now I have number 8987461233 and 9821057506 8987461233 is my name or 9821057506 is my wife Ri Mother's name. The disclosure statement of the accused was written on which the accused signed his name and the witness signed his signature.

Witness- ASI Sombir No. 1040/Jhajjar Accused- Mukesh Kumar

Sd/-

Sd/-

Sd/-

Deputy Superintendent of
Police, Bahadurgarh dated
28.09.2023

Bahadurgarh

Through:- Sxxxx wife Mxxxxx resident Hal village Sankhaul, Bahadurgarh.

FIR No. 175 dated 25.05.2023 Section 328,376,506 IPC and 67A IT ACT and 3(1) (1)
SC/ST ACT

Police Station Sector 6 Bahadurgarh.

Versus-Mukesh Kumar son of Ramnath resident of Mukundpur P.O. Kadilpur District
Vaishali Bihar

Disclosure statement of accused Mukesh Kumar

During the investigation in presence of the following witnesses, the accused Mukesh Kumar son of Ramnath, resident of Mukundpur P.O., Kadilpur, District Vaishali, Bihar, without any fear, apprehension, greed or pressure himself confessed to the police that I am a resident of the above address and working in CISF, I am currently posted at Gaya Bihar Airport, before this I was posted at Delhi Metro. On 06 July 2022, I was posted on security duty at Brigadier Hoshyar Singh Metro Station Bahadurgarh. During my duty, I met Sarita Devi, wife of Mukhram, who was with her husband and children. During our conversation, I took her mobile number and gave her my. I Started talking from mobile numbers 9311156651, 7091486976, 8684895665, 9628516298, 8172960026 and 7428483858 and out of which 7091486976 is in the name of my sister-in-law Malti Devi, which I have been using since 2014 and the remaining SIM is 9311156651, 8684895665, 9628516298, 8172960026 and 7428483858. They were taken under some pretext from the people working below the metro station whom I do not know. I spoke to Sarita from my mobile number 8987461233. Sarita and I became good friends. I seduced Sarita and took her with me to Peeragarhi Hotel twice and did wrong things with her, during which I also took some semi-nude photographs of her. While on duty, on the pretext of checking, I had taken a photo of the ID of a woman named Aarti and used to give Aarti's ID as Sarita's ID in the hotel. After that, Sarita's husband came to know about our friendship and there was a fight between me and Sarita. I angrily sent her photo to her acquaintances and called Sarita and threatened to kill her if she took any action. The mobile SIM which I had used, I broke it and threw it away and I can get the body of the hotel where I had taken Sarita and did wrong things with her and took her semi-nude photos which are on record. My numbers given are 7098486976 and 8987461233 which by mistake is written as 7098486976

instead of 7091486976 which is now closed by me, now I have number 8987461233 and 9821057506 8987461233 is my name or 9821057506 is my wife Ri Mother's name. The disclosure statement of the accused was written on which the accused signed his name and the witness signed his signature.

Witness- ASI Sombir No. 1040/Jhajjar

Accused-Mukesh Kumar

Sd/-

Sd/-

Sd/-

Deputy Superintendent of
Police, Bahadurgarh dated
28.09.2023

220 CRA-S-2443-2023(O&M)

MUKESH KUMAR SINGH VS STATE OF HARYANA

Present: Mr. Gaurav Gupta, Advocate
for the appellant.

Mr. Surinder Kumar Dagar, DAG, Haryana.

1. Mr. Vinod Gupta, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, which is taken on record.
2. Learned State counsel seeks an adjournment as he has not received the case file.
3. On his request, adjourned to 08.02.2024.
4. Interim order to continue.

01.12.2023

renubala

**(VIVEK PURI)
JUDGE**

ANNEXURE P-11

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2443 of 2023(O&M)

Mukesh Kumar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

STATUS REPORT BY WAY OF AN AFFIDAVIT OF DHARAMVIR SINGH, HPS, DEPUTY SUPERINTENDENT OF POLICE, BAHADURGARH ON BEHALF OF RESPONDENT / STATE OF HARYANA.

RESPECTIVELY SHOWETH:-

I, the above named deponent do hereby solemnly affirm & declare as under:-

1. That the deponent is posted as Deputy Superintendent of Police, Bahadurgarh and is the Supervisory Officer for Police Sector-6-Bahadurgarh, District Jhajjar and hence the deponent is fully conversant with the facts of the present case and is filing the present affidavit in his official capacity.
2. That the contents of the affidavit are based on the official record of the case FIR No.175 dated 25.05.2023, U/s 323,376,506 of IPC, Section 67A of IT Act and Section 3(1(s) of SC/ST Act, PS- Sector-6, Bahadurgarh which the deponent believes to be correct.

3. That the petitioner by way of filing the present petition has sought anticipatory bail in abovementioned FIR.
4. That the facts, leading to the registration of the present FIR are that on 25.05.2023, X wife of Y moved a complaint in the police station in the manner that, "To The Superintendent of Police, Jhajjar, Sub: complaint for registering the case. Sir, it is submitted that I, X w/o Y caste SC, R/o Place A and at present living in a rented accommodation at place B. My husband is doing job in Parle company and I have three children and their names are Manu, Mona and Barkha. In the month of July 2022, I came with my husband at Bahadurgarh for searching the job. While crossing the Metro one person met us and told his name as Manoj Shukla and asked us to show the tickets and he insisted us for the tickets and asked the name, caste and mobile number from my husband and he himself told us that he is resident of Gazipur (UP) and thereafter he talked very sweetly to us and also said that if you have any problem then he is always ready for help within 24 hours. My children Manu and Mona always remain ill due to fever and thereafter Manoj Shukla started talking to told me that there is a religious place where there is a very good exorcism where your children will be cured without medicine and expenses. In the month of December 2022 Manoj Shukla on his scooty on the pretext of talking her to occultist took me to some unknown place and there he gave me juice and after that I become unconscious and when I regained consciousness I realized that Manoj Shukla had

done wrong with me so I asked Manoj Shukla that why you did wrong with me by taking off my clothes. Then he said, lower caste Chamaari, I wanted to enjoy sex with you by getting you intoxicated in the juice and he showed me the photos and videos of his dirty work with me in his mobile. My mobile No. is 9991935868 and mobile no. of Manoj Shukla is 9311156651, 7091486976, 8684895665, 9628516298, 8172960026 and 7428483858. Manoj Shukla threatened me that she would have to come when he called otherwise he would show this video to my husband and in laws and make it viral. He forcibly molested me many times in many places and tried to do wrong things. Manoj Shukla threatens me that if you do not fulfill my sexual desire then I will not leave you anywhere worth showing your face. When I stopped saying yes to him then he made my obscene photo viral on net and by showing to my husband and brother in law and he also uploaded my nude photo on his own status which I came to know from another person. I asked him many times not to make my photos viral, then he got angry and said that I will kill you and your children. Hence it is requested to you kindly take legal action against abovementioned Manoj Shukla".

5. That on the basis of the afore said complaint, the present FIR No.175 dated 25.05.2023 was registered U/s 323,376,506 of IPC, Section 67A of IT Act and Section 3(1)(s) of SC/ST Act, in PS-Sector-6, Bahadurgarh and the investigation was set into motion.

6. That during the course of investigation, on 26.05.2023, the victim was taken for her medical examination at G.H., Bahadurgarh but she denied for her internal and external examination and statement of the victim U/s 164 Cr.P.C was recorded before the Ld. Area Magistrate, Bahadurgarh. Copy of statement of the victim U/s 164 Cr.P.C of the victim is enclosed as Annexure R-1.
7. That during the course of investigation, on 31.05.2023, the victim was taken along to Brig. Hoshyar Singh Metro Station and as per verification conducted by the investigating agency regarding duty roster of the employee posted on the date when the victim met the petitioner on metro station, mobile no. 8987481233 and 7098486976 from fellow employees of CISF and also as per body structure disclosed by the victim, the name of the accused was revealed to be Mukesh Kumar Singh in place of Manoj Shukla and the victim also demarcated the place where something was mixed in her juice and her rape was committed.
8. That during the course of investigation, as per the victim WhatsApp profile of mobile no. 8684895665 was checked wherein indecent picture of the victim was found and the screenshot of the WhatsApp profile status was printed and taken into possession vide seizure memo and on verification the mobile number was found registered in the name of Manish S/o Jagdish R/o Gali no. 15, Vikas Nagar, Bahadurgarh.
9. That during the course of investigation, duty roster of the petitioner was obtained as per which, the petitioner was found

to present on duty on 06.07.2022 from 7AM till 2 PM and the permanent address of the petitioner was found to be of Village Mukundpur, PO-Kadilpur, Distt. Vaishali, Bihar.

10. That during the course of investigation, call detail record of mobile numbers mentioned in the FIR (9311156651, 7091486976, 8684895665, 9628516298, 8172960026, 7428483858) were obtained as per which conversation on mobile number 9991935868 of the victim from these numbers is found and as per call detail record of mobile no. 8987481233 pertaining to the petitioner, conversation on the mobile number of the victim is found.
 11. That during the course of investigation, on 16.06.2023, caste certificate produced by the victim was taken into possession vide seizure memo.
 12. That during the course of investigation, on 21.07.2023, Manish S/o Jagdish R/o Gali no. 15, Vikas Nagar, Bahadurgarh was joined into investigation of the case, who revealed that he did not obtain mobile number 8684895665.
 13. That during the course of investigation, on 03.08.2023, notice upon the mobile number 8684895665 of the petitioner was sent for joining into investigation of the case on 09.08.2023 but the petitioner did not join into investigation of the case.
 14. That during the course of investigation, the petitioner moved an application for anticipatory bail before the court of Ld. A.S.J., Jhajjar which was dismissed vide order dated

09.08.2023 against which the petitioner has moved the Hon'ble High court.

15. That the petitioner has joined the investigation of the present case as per direction of the Hon'ble High court on 28.09.2023 and his disclosure statement was recorded and was released on bail. Copy of disclosure statement of petitioner is enclosed as Annexure R-2.
16. That apart from the present FIR no other FIR is found pending against the present petitioner and the petitioner has not been declared Proclaimed offender.
17. That the present petitioner developed friendship with the victim over the phone by using different mobile numbers and committed rape upon the victim/complainant by taking her to one hotel in Peeragarhi, Delhi where he gave wrong ID of a lady named Aarti in place of victim which has also been admitted by him in his disclosure statement and the petitioner also clicked her obscene pictures in his mobile phone and further transferred her pictures to known of the victim.
18. That although the petitioner has joined the investigation but have not effected recovery of Mobile phone custodial interrogation of the petitioner is required for effecting recovery of mobile phone with which the petitioner clicked obscene pictures of the victim and further transferred them to other mobile numbers.
19. That the custodial interrogation of the petitioner is essential for effecting recovery of mobile phone with which the

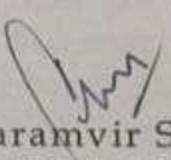
petitioner clicked obscene pictures of the victim and further transferred them to other mobile numbers, for effecting recovery of various SIM cards used by the petitioner and for taking voice samples.

In view of the aforesaid submissions and in the attending circumstances of the case, it is respectfully submitted that the present petition may kindly be dismissed being devoid of merits and/or any other order which the Hon'ble Court deems just and proper in the interest of justice may kindly be passed.

Place: Jhajjar

DEPONENT

Date: 07.02.2024


Dharamvir Singh, HPS,

Deputy Superintendent of Police,

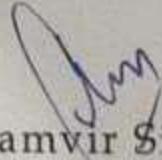
Bahadurgarh, District Jhajjar

VERIFICATION:- Verified that the contents of para no. 1 to 19 of the status report are true and correct to the best of my knowledge and belief and are based on information derived from official record, which I believe to be correct. No part of it is false and nothing has been concealed therein.

Place: Jhajjar

DEPONENT

Date: 07.02.2024


Dharamvir Singh, HPS,

Deputy Superintendent of Police,

Bahadurgarh, District Jhajjar

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2443 of 2023 (O&M)

Mukesh Kumar Singh

....Petitioner

Versus

State of Haryana

...Respondent

STATUS REPORT BY WAY OF AN AFFIDAVIT OF DHARAMVIR SINGH, HPS, DEPUTY SUPERINTENDENT OF POLICE, BAHADURGARH ON BEHALF OF RESPONDENT/STATE OF HARYANA.

Respectively Showeth:-

I, the above named deponent do hereby solemnly affirm & declare as under:-

1. That the deponent is posted as Deputy Superintendent of Police, Bahadurgarh and is the Supervisory Officer for Police Sector-6 Bahadurgarh, District Jhajjar and hence the deponent is fully conversant with the facts of the present case and is filing the present affidavit in his official capacity.

2. That the contents of the affidavit are based on the official record of the case FIR No. 175 dated 25.05.2023, U/s 323, 376, 506 of IPC, Sector 67A of IT Act and Section 3 (1(s) of SC/ST Act, PS-Sector-6, Bahadurgarh which the deponent believes to be correct.

3. That the petitioner by way of filing the present petition has sought anticipatory bail in abovementioned FIR.

4. That the facts, leading to the registration of the present FIR are that on 25.05.2023, X wife of Y moved a complaint in the police station in the manner that, "To the Superintendent of Police, Jhajjar, Sub: Complaint for registering the case. Sir, it is submitted that I, X w/o Y caste SC, R/o. Place A and at present living in a rented accommodation at place B. My husband is doing job in Parle company and I have three children and their names are Manu, Mona and Barkha. In the month of July 2022, I came with my husband at Bahadurgarh for searching the job. While crossing the Metro one person met us and told his name as Manoj Shukla and asked us to show the tickets and he insisted us for the tickets and asked the name, caste and mobile number from my husband and he himself told us that he is resident of Gazipur (UP) and thereafter he talked very sweetly to us and also said that if you have any problem then he is always ready for help within 24 hours. My children Manu and Mona always remain ill due to fever and thereafter Manoj Shukla started talking to told me that there is a religious place where there is a very good exorcism where your children will be cured without medicine and expenses. In the month of December 2022 Manoj Shukla on his scooty on the pretext of talking her to occultist took me to some unknown place and there he gave me juice and after that I become unconscious and when I regained consciousness I realized that Manoj Shukla had done wrong with me so I asked Manoj Shukla that why you did wrong with me by taking off my clothes. Then he said, lower caste Chamaari, I wanted to enjoy sex with you by getting you intoxicated in the juice and he showed me the photos and videos of his dirty work with me in his mobile. My mobile no. is 9991935868 and mobile no. of Manoj Shukla is 9311156651, 7091486976, 8684895665, 9628516298, 8172960026 and 7428483858. Manoj Shukla

threatened me that she would have to come when he called otherwise he would show this video to my husband and in laws and make it viral. He forcibly molested me many times in many places and tried to do wrong things. Manoj Shukla threatens me that if you do not fulfill my sexual desire then I will not leave you anywhere worth showing your face. When I stopped saying yes to him then he made my obscene photo viral on net and by showing to my husband and brother in law and he also uploaded my nude photo on his own status which I came to know from another person. I asked him many times not to make my photos viral then he got angry and said that I will kill you and your children. Hence it is requested to you kindly take legal action against abovementioned Manoj Shukla.

5. That on the basis of the afore said complaint, the present FIR No. 175 dated 25.05.2023 was registered U/s 323, 376, 506 of IPC, Section 67A of IT Act and Section 3 (1) (s) of SC/ST Act, in PS-Sector-6, Bahadurgarh and the investigation was set into motion.
6. That during the course of investigation, on 26.05.2023, the victim was taken for her medical examination at G.H. Bahadurgah but she denied for her internal and external examination and statement of the victim U/s 164 Cr.P.C. was recorded before the Ld. Area Magistrate, Bahadurgarh. Copy of statement of the victim U/s 164 Cr.P.C. of the victim is enclosed as Annexure R-1.
7. That during the course of investigation, on 31.05.2023, the victim was taken along to Brig. Hoshyar Singh Metro Station and as per verification conducted by the Investigating agency regarding duty roster of the employee posted on the date when the victim met the petitioner on metro station, mobile no.

8987481233 and 7098486976 from fellow employees of CISF and also as per body structure disclosed by the victim, the name of the accused was revealed to be Mukesh Kumar Singh in place of Manoj Shukla and the victim also demarcated the place where something was mixed in her juice and her rape was committed.

8. That during the course of investigation, as per the victim WhatsApp profile of mobile no. 8684895665 was checked wherein incident picture of the victim was found and the screenshot of the WhatsApp profile status was printed and taken into possession vide seizure memo and on verification the mobile number was found registered in the name of Manish S/o. Jagdish R/o. Gali No. 15, Vikas Nagar, Bahadurgarh.
9. That during the course of investigation, duty roster of the petitioner was obtained as per which, the petitioner was found to present on duty on 06.07.2022 from 7 AM till 2 PM and the permanent address of the petitioner was found to be of Village Mukundpur, PO-Kadilpur, Distt. Vaishali, Bihar.
10. That during the course of investigation, call detail record of mobile numbers mentioned in the FIR (9311156651, 7091486976, 8684895665, 9628516298, 8172960026, 7428483858) were obtained as per which conversation on mobile number 9991935868 of the victim from these numbers is found and as per call detail record of mobile no. 8987481233 pertaining to the petitioner, conversation on the mobile number of the victim is found.
11. That during the course of investigation, on 16.06.2023, caste certificate produced by the victim was taken into possession vide seizure memo.

12. That during the course of investigation, on 21.07.2023, Manish S/o. Jagdish R/o. Gali No. 15, Vikas Nagar, Bahadurgarh was joined into investigation of the case, who revealed that he did not obtain mobile number 8684895665.
13. That during the course of investigation, on 03.08.2023, notice upon the mobile number 8684895665 of the petitioner was sent for joining into investigation of the case on 09.08.2023 but the petitioner did not join into investigation of the case.
14. That during the course of investigation, the petitioner moved an application for anticipatory bail before the court of Ld. A.S.J., Jhajjar which was dismissed vide order dated 09.08.2023 against which the petitioner has moved the Hon'ble High Court.
15. That the petitioner has joined the investigation of the present case as per direction of the Hon'ble High Court on 28.09.2023 and his disclosure statement was recorded and was released on bail. Copy of disclosure statement of petitioner is enclosed as Annexure R-2.
16. That apart from the present FIR no other FIR is found pending against the present petitioner and the petitioner has not been declared Proclaimed offender.
17. That the present petitioner developed friendship with the victim over the phone by using different mobile numbers and committed rape upon the victim/ complainant by taking her to one hotel in Peeragarhi, Delhi where he gave wrong ID of a lady named Aarti in place of victim which has also been admitted by

him in his disclosure statement and the petitioner also clicked her obscene pictures in his mobile phone and further transferred her pictures to known of the victim.

18. That although the petitioner has joined the investigation but have not effected recovery of Mobile phone custodial interrogation of the petitioner is required for effecting recovery of mobile phone with which the petitioner clicked obscene pictures of the victim and further transferred them to other mobile numbers.
19. That the custodial interrogation of the petitioner is essential for effecting recovery of mobile phone with which the petitioner clicked obscene pictures of the victim and further transferred them to other mobile numbers, for effecting recovery of various SIM cards used by the Petitioner and for taking voice samples.

In view of the aforesaid submissions and in the attending circumstances of the case, it is respectfully submitted that the present petition may kindly be dismissed being devoid of merits and/or any other order which the Hon'ble Court deems just and proper in the interest of justice may kindly be passed.

Place: Jhajjar

DEPONENT

Sd/-

Date: 07.02.2024

Dharamvir Singh, HPS

Deputy Superintendent of Police,

Bahadurgarh, District Jhajjar.

Verification: Verified that the contents of para no. 1 to 19 of the status report are true and correct to the best of my knowledge and belief and

are based on information derived from official record, which I believe to be correct. No part of it is false and nothing has been concealed therein.

Place: Jhajjar

DEPONENT

Sd/-

Date: 07.02.2024

Dharamvir Singh, HPS

Deputy Superintendent of Police,

Bahadurgarh, District Jhajjar.

ANNEXURE P-12

230

CRA-S-2443-2023 (O&M)
MUKESH KUMAR SINGH V/S STATE OF HARYANA

Present: Mr. Gaurav Gupta, Advocate
for the appellant.

Mr. Surinder Kumar Dagar, AAG Haryana.

Mr. Vinod Gupta, Advocate
for the complainant.

Learned State Counsel files status report by way of affidavit of Dharamvir Singh, HPS, Deputy Superintendent of Police, Bahadurgarh, District Jhajjar, dated 07.02.2024, which is taken on record.

Learned State counsel, inter alia submits that although the petitioner has joined the investigation, however, the mobile phone containing the alleged obscene photographs and videos is yet to be recovered from the petitioner.

It is the case of the petitioner that mobile phone from which the obscene photographs and videos were sent, the number of said mobile phone belongs to one Manish. The said Manish was also contacted who stated that he had never used that mobile number and the same is in the possession and use of the petitioner.

In view of the above, the petitioner is once again directed to join investigation and co-operate with the investigating agency.

Adjourned to 12.07.2024.

08.02.2024

Sunena

(NIDHI GUPTA)
JUDGE

जिला सचिव

राज्य छात्र:- सरीता देवी ५० मुम्हराम गाँव हसनपुर किला गाजीपुर U.P.
 आधिकारी नं:- १७५ दिनांक २५-५-२०२३ वारा ३२४,३७६,५०६ IPC व ३(१)(४) SC, ST
 Act व ६७ IT Act P.S. Sect 6 Bahadurgarh

विवाह:- मनोज कुमार डॉ. रामनाथ गाँव हसनपुर काठीलपुर जिला बैशाली विहार

सुन्चना पत्र

आप मनोज कुमार डॉ. रामनाथ गाँव हसनपुर जिला बैशाली विहार आधिकारी उपरोक्त से जागर आरपी है। आधिकारी उपरोक्त के संबंध में दिनांक ०८-०२-२०२३ को CRA-S-२४४३-२०२३ में माननीय हाइकोर्ट चन्डीगढ़ ने Join Investigation करने को छारें जारी किये हैं। अतः- आप दिनांक ०२-०७-२०२३ को समय १०:०० AM पर सदामक पुलिस आयुक्त बदाकुरगाँव (नंगली किला चौक) पर पहुँच ने आधिकारी की घटना से आप छार प्रोग्राम किये गए मावाली वाले व नम्बरों को पकड़ लिए।

मेरा प्रतिशोधपुलायक

सदामक पुलिस आयुक्त बदाकुरगाँव

दिनांक २९-०६-२०२३

District Jhajjar

Police Department

State through – Sarita Devi W/o Mukhram R/o Village Hasanpur,
District Gazipur, U.P.

Cr. No.175 dated 25.05.2023 Section 328, 376, 506 IPC and
3(1)(s) SC/ST Act and 67A IT Act, Police Station Sector 6,
Bahadurgarh

Versus – Manoj Kumar S/o Ramnath R/o Mukundpur, Kadilpur,
District Vaishali, Bihar

NOTICE

You Manoj Kumar S/o Ramnath R/o Mukundpur, District Vaishali, Bihar are named accused in aforesaid crime. In respect of aforesaid crime, the Hon'ble High Court at Chandigarh has passed order dated 08.02.2024 in CRA-S-2443-2023 to join the investigation. Hence, you shall appear before Assistant Commissioner of Police, Bahadurgarh (Near Kishaan Chowk) on 02.07.2024 at 10:00 AM and produce mobile phone and numbers used by you in the incident of crime.

Sd/- illegible

'Pravachak'

Assistant Commissioner of Police,

Bahadurgarh

Dated 29.06.2024

ANNEXURE P-14

219

**CRA-S-2443-2023 (O&M)
MUKESH KUMAR SINGH VS. STATE OF HARYANA**

Present: Mr. Gaurav Gupta, Advocate for the appellant.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Vinod Gupta, Advocate for the complainant.

Learned counsel for the State is directed to file a better status report in the matter.

Adjourned to 10.12.2024.

Interim order to continue.

**12.07.2024
Divyanshi**

**(NIDHI GUPTA)
JUDGE**

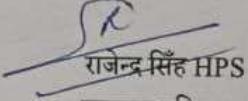
ANNEXURE P-15

थाना सैक्टर 6 बहादुरगढ़जिला झज्जर

राज्य द्वारा-सरीता देवी पत्नि मुखराम वासी हसनपुर जिला गांजीपुर उत्तर प्रदेश हाल किरायेदार गाव साखोल
 म. न. 175 दिनांक 25.05.2023 धारा 328, 376, 506 IPC व 3(1)(s)SC/ST Act व 67A IT Act थाना
 सैक्टर 6 बहादुरगढ़
 बनाम – मुकेश कुमार रामनाथ वासी मुकुन्दपुर जिला वैशाली बिहार

सुचना पत्र

आप मुकेश कुमार रामनाथ वासी मुकुन्दपुर जिला वैशाली बिहार अभियोग उपरोक्त मे नामजद आरोपी हैं। अभियोग के सम्बंध मे माननीय पंजाब एवं हरियाणा उच्च न्यायालय चण्डीगढ़ ने दिनांक 08.02.2024 को CRA-S-2443-2023 मे Join Investigation करने बारे आदेश किये थे। अतः आप दिनांक 28.10.2024 को समय 10:00 AM पर मेरे कार्यालय (सहायक पुलिस आयुक्त बहादुरगढ़) नजदीक किशान चौक बहादुरगढ़ पहुँच कर अभियोग मे शामिल होवे व अभियोग की घटना मे प्रयोग किये गये मौबाईल फोन व नम्बरो को पैश करे।


 राजेन्द्र सिंह HPS

 सहायक पुलिस आयुक्त बहादुरगढ़
 जिला झज्जर (हरियाणा)
 दिनांक 18.10.2024

District Jhajjar

Police Department

State through – Sarita Devi W/o Mukhram R/o Village Hasanpur, District Gazipur, Uttar Pradesh, presently tenant, Village Sakhaul

Cr. No.175 dated 25.05.2023 Section 328, 376, 506 IPC and 3(1)(s) SC/ST Act and 67A IT Act, Police Station Sector 6, Bahadurgarh

Versus – Mukesh Kumar S/o Ramnath R/o Mukundpur, District Vaishali, Bihar

NOTICE

You Mukesh Kumar S/o Ramnath R/o Mukundpur, District Vaishali, Bihar are named accused in aforesaid crime. In respect of aforesaid crime, the Hon'ble High Court at Chandigarh has passed order dated 08.02.2024 in CRA-S-2443-2023 to join the investigation. Hence, you shall appear and join investigation of case at my office (Assistant Commissioner of Police, Bahadurgarh) Near Kishaan Chowk on 28.10.2024 at 10:00 AM and produce mobile phone and numbers used by you in the incident of crime.

Sd/- illegible

Rajendra Singh HPS

Assistant Commissioner of Police,

Bahadurgarh, District Jhajjar

(Haryana)

Dated 18.10.2024

IN THE HON'BLE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
I.A. NO._____ OF 2025

IN

SPECIAL LEAVE PETITION (CrL.) NO._____ OF 2025

IN THE MATTER OF:

MUKESH KUMAR SINGH ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

AN APPLICATION FOR EXEMPTION FROM OFFICIAL
TRANSLATION

TO,
HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF
THE SUPREME COURT OF INDIA
AT NEW DELHI

THE HUMBLE APPLICATION
OF THE PETITIONER ABOVE
NAMED

MOST RESPECTFULLY SHOWETH:

1. That the petitioner is filing the accompanying petition for special leave to appeal against final order and judgment dated 10.12.2024 passed by the Hon'ble High Court of Punjab and Haryana, at Chandigarh, in CRA-S-2443 of 2023.
2. That the detailed facts and circumstances giving rise to the present SLP have been fully set out in the special leave petition. The

petitioner craves leave to refer to the same at the time of hearing and the same may be read as part of the instant application.

3. That Annexures Nos. P-5, P-7, P-13 AND P-15 filed with the above-captioned petition are originally in Hindi and could not be translated by an official translator into English due to paucity of time and the urgency in the matter. However, all possible efforts have been made to get it accurately translated.

4. That the Petitioner has made out a *prima facie* case in its favour and has every hope of success. The balance of convenience and ends of justice lie entirely in their favour. It is therefore imperative in the interest of justice that the petitioner may be exempted from filing certified copy of the impugned order.

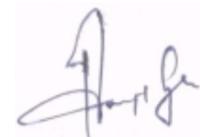
P R A Y E R

In the premises mentioned above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Exempt the petitioner from filing official translation of Annexures Nos. P-5, P-7, P-13 AND P-15 the Special Leave Petition;

(b) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

FILED BY:



(AMARJEET SINGH)
ADVOCATE FOR THE PETITIONER

Filed on: 03.01.2025

Place: New Delhi

IN THE HON'BLE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
I.A. NO._____ OF 2025

IN

SPECIAL LEAVE PETITION (CrL.) NO._____ OF 2025

IN THE MATTER OF:

MUKESH KUMAR SINGH ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED

COPY OF IMPUGNED ORDER

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF

THE SUPREME COURT OF INDIA

AT NEW DELHI

THE HUMBLE APPLICATION
OF THE PETITIONER ABOVE
NAMED

MOST RESPECTFULLY SHOWETH:

1. That the petitioner is filing the accompanying petition for special leave to appeal against final order and judgment dated 10.12.2024 passed by the Hon'ble High Court of Punjab and Haryana, at Chandigarh, in CRA-S-2443 of 2023

2. That the detailed facts and circumstances giving rise to the present SLP have been fully set out in the special leave petition. The petitioner craves leave to refer to the same at the time of hearing and the same may be read as part of the instant application.

3. That at the time of filing of the petition the certified copy of the impugned order was not available and therefore a true copy/downloaded copy of the impugned order is being filed. A certified copy of the impugned order will be made available if required by this Hon'ble Court.

4. That the Petitioner has made out a *prima facie* case in its favour and has every hope of success. The balance of convenience and ends of justice lie entirely in his favour. It is therefore imperative in the interest of justice that the petitioner may be exempted from filing certified copy of the impugned order.

P R A Y E R

In the premises mentioned above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Exempt the petitioner from filing certified copy of final order and judgment dated 10.12.2024 passed by the Hon'ble High Court of Punjab and Haryana, at Chandigarh, in CRA-S-2443 of 2023;
- (b) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

FILED BY:



(AMARJEET SINGH)
ADVOCATE FOR THE PETITIONER

Filed on: 03.01.2025

Place: New Delhi

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRA S-2443 of 2023

MEMO OF PARTIES

Mukesh Kumar Singh s/o Ram Nath Singh aged 52 years, r/o Gram Mukundpur, post Kadlipur (Basantpur) Mukundpur, Gopinath Vaishali Bihar 844504, Aadhar No. 2218 5049 2673 Phone No. 7011457261.

Note: Whether Proclaimed Offender- No

Appellant

VERSUS

State of Haryana

...Respondent

PLACE: CHANDIGARH
DATED: 22.08.2023

(Gaurav Gupta)
Advocate P/2157-2B/2007
Roll of Advocate-PH221634
Counsel for the Appellant

**VAKALATNAMA
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRL.) NO. OF 2024**

IN THE MATTER OF:

MUKESH KUMAR SINGH

...Petitioner

Versus

STATE OF HARYANA

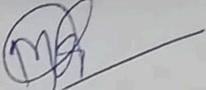
...Respondent

I, **MUKESH KUMAR SINGH**, Petitioner in the above Petition do hereby appoint and retain Mr Amarjeet Singh, Advocate of the Supreme Court of India to act and appear for me/us in the above Suit Appeal/Petition/Reference and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same of any decree order or passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit Appeal/Petition/Reference and in applications of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter.

I/We agree to ratify all acts done by the aforesaid Advocate pursuance of this authority.

Dated this the 02 day of JAN 2025

ACCEPTED, CERTIFIED & IDENTIFIED

Mukesh Kumar Singh. 

[AMARJEET SINGH]
ADVOCATE-ON-RECORD
Supreme Court of India

(MUKESH KUMAR SINGH)
(PETITIONER)
APPELLANT(s)/CAVREATOR(s)/PETITIONER(s)/
INTERVENOR(s)/ RESPONDENT(s)

MEMO OF APPEARANCE

The Registrar,
The Supreme Court of India,
New Delhi,

Sir,

Please enter my appearance on behalf of the Petitioner(s)/Appellant(s)/Respondent(s) in the above matter New Delhi.

Dated this the 03 day of JAN 2025



Place: New Delhi

Dated:

[Amarjeet Singh]

Advocate for Petitioner(s)/Appellant(s)/Respondent(s)/ Caveator(s)

IN THE HON'BLE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CrL.) NO. _____ OF 2025

IN THE MATTER OF:

MUKESH KUMAR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

FILING MEMO

S. NO.	DESCRIPTION	COPIES	COURT FEE
1.	L/P	1+3	NIL
2.	SYNOPSIS & L/D	1+3	
3.	IMPUGNED ORDER	1+3	
4.	SLP WITH AFFIDAVIT	1+3	
6.	ANNEXURE P/1 TO P/15	1+3	
7.	F/M	1	
8.	V/A	1	

FILED BY

(AMARJEET SINGH)

Advocate for the Petitioner

Add: B-252 3rd Floor, Priyadarshini Vihar,
Near Laxmi Nagar, Delhi – 110 092

E-MAIL: amarjeetsinghadv@gmail.com

M: 9911111950

Code: 2690

Filed on: 03.01.2025

New Delhi