

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Reserved on: 28.04.2026
Pronounced on: 08.05.2026
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Bail App No. 35/2026
c/w
CRM(M) No. 223/2026

Rashid Ranjha, Age 28 years,
S/o Mohd. Younas,
R/o Dhani Dhar, Tehsil and
District Rajouri.

.... Petitioner(s)/Appellants

Through:- Mr. Ashish Sharma, Advocate.

V/s

1. UT of Jammu and Kashmir
through Station House Officer,
Police Station, Reasi.

2. Miss X,
D/o -----,
R/o -----, Tehsil and District
Rajouri.

.....Respondent(s)

Through:- Mr. Sumeet Bhatia, GA for R-1.
Mr. Milan Parihar, Advocate with
Ms. Seemantika Tickoo, Adv. for R-2.

CORAM: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE
JUDGMENT

1. CRM(M) No. 223/2026 has been filed by the petitioner under Section 528 for quashing FIR No. 0028/2026 dated 28.02.2026 registered with respondent No. 1 at the instance of respondent No. 2, for commission of offences punishable under Section 69 and 351(2)

BNS, 2023. An application has also been filed by the petitioner for grant of bail in anticipation of arrest in the aforesaid FIR after his application for grant of bail in anticipation of arrest was dismissed by the Court of learned Sessions Judge, Reasi.

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2. The quashing of FIR No. 0028/2026 has been sought by the petitioner on the ground that in the FIR impugned, time and place of incident has not been mentioned and allegations leveled in the FIR are false and frivolous, as the petitioner never developed any physical relationship with the complainant-respondent No.2. It is further contended that there is no allegation in the impugned FIR that the promise made by the petitioner was deceptive from the very beginning and fact remains that the petitioner never had sexual relations with the respondent No. 2. It is further contended that there is a delay of more than five years in lodging the FIR impugned and no explanation worth acceptance has been provided and as per the impugned FIR, the respondent No. 2 repeatedly consented to sexual relations despite ongoing conflicts which indicates long time relationship based on passion and affection rather than the one solely induced by the fraudulent promise.
3. Learned counsel for respondent No. 1 has submitted that the objections filed to the Bail Application be treated as objections to the present petition. In the objections filed by the respondent No. 1, it is stated that FIR (supra) was registered at Police Station, Reasi

pursuant to the written application submitted by respondent No. 2 and during investigation, the Investigating Officer prepared the site plan of place occurrence and seized one bed sheet with floral prints and white/black stripes on it. The statement of the complainant has been recorded under Section 183 BNSS and one warm inner leg wear produced by the complainant was seized. It is stated that the petitioner is involved in the commission of heinous offence under Section 69, 351(2) BNS and is absconding after the commission of offence. It is further stated that the petitioner, an employee of PHE department, had obtained 8 days casual leave w.e.f. 26.02.2026 to 05.03.2026, and thereafter applied for earned leave w.e.f. 06.03.2026 to 21.03.2026, which was not granted and at present he is absent from his duties.

4. The respondent No. 2 has also filed the response stating therein that respondent No. 2 was in relationship with the petitioner for approximately five years and the petitioner assured that he would marry respondent No. 2 by hook or by crook. Relying upon the said promise of relationship, respondent No. 2 continued the relationship. However, the petitioner persistently attempted to establish physical relationship with respondent No.2 justifying the same on the ground that they were going to get married but respondent No. 2 consistently and categorically refused & insisted that the petitioner must first approach her family and solemnize the marriage before entering into any such intimate relationship. It is further stated that defence raised

by the petitioner that Section 69 of BNS is not attracted in the instant case on the ground that FIR registered at the behest of respondent No. 2 mentions threats made by the petitioner that he would kill her, if she married anyone else, is misconceived as the threats referred therein were made prior to the incident dated 25.01.2026 and 26.01.2026. It is also contended by respondent No. 2 that when she conveyed the petitioner that her parents were pressurizing her to marry someone of their choice, the petitioner threatened her with death if she did so. It is further averred that on 25.01.2026 in the evening, the petitioner called respondent No. 2 to Reasi with an assurance that they would solemnize Court marriage and on his assurance only, the respondent No. 2 travelled to Reasi. Upon her arrival, the petitioner, who had already harbored illicit intentions, informed her that the courts had closed for the day. He suggested that she stay at his rented accommodation, claiming he would stay at a nearby friend's house. Approximately one and a half hours later, the petitioner returned under the pretext that his friend was unavailable, thereby leaving respondent No. 2 with no choice but to let him stay. That night, he committed non-consensual sexual intercourse with her. He subsequently silenced respondent No. 2 by assuring her that they were already living as husband and wife and that their marriage would be solemnized the following day. She sent the message to the petitioner pleading him to answer her calls on 17.02.2026 at approximately 8:00 P. M. The defence of the petitioner based on his

presence at the Republic Day function on 26.01.2026 is irrelevant, as respondent No.2's complaint pertains to the events of the evening of 25.01.2026.

5. Learned counsel for the petitioner submitted that the falsity of the allegations leveled by respondent No. 2 is evident from the date of the alleged incident. On January 25, 2026, the day the respondent was purportedly summoned to Reasi, the courts were closed as it was a Sunday; thus, no marriage could have been solemnized. He further asserts that the threats mentioned in the FIR contradict the narrative provided by the prosecutrix. It was also submitted that the petitioner, being a government employee, would face irreparable damage to his career if not granted anticipatory bail. Finally, he argued that even if the FIR's contents are accepted as true, the respondent's own admission confirms a voluntary relationship with the petitioner spanning the last five years.
6. Per contra, Mr. Sumeet Bhatia, learned GA has submitted that there are serious allegations against the petitioner and the petitioner has raised disputed questions of facts, which cannot be adjudicated while considering petition for quashing FIR.
7. Learned counsel for the respondent No.2 has submitted that the statement of the prosecutrix has been recorded and there are serious allegations of rape leveled against the petitioner, therefore, neither the FIR can be quashed nor the petitioner is entitled to concession of bail. He has argued that though the Police has registered FIR for

commission of offence under Section 69 of BNS but the allegations leveled against the petitioner clearly make out a case against the petitioner for commission of offence of rape. He has further submitted that the defence of the petitioner is apparently false as the marriages are not to be solemnized in the Court on Sunday and the documents can be prepared even on Sundays. He emphasized that the prosecutrix has nowhere stated that she maintained sexual relations with the petitioner over the last five years.

8. **Heard learned counsel for the parties and perused the record, including the case diary.**
9. The record depicts that on 28.02.2026, the prosecutrix submitted a written complaint with the Police Station, Reasi stating therein that she was having relationship with the petitioner for the last 5 years and repeatedly promise to marry her and on that false assurance, she continued the relationship. In the evening of 25.01.2026 and 26.01.2026, the accused called her near his office area and thereafter took her to a room near his office premises and forcibly established physical relationship with her against her will. After the incident, he had again assured her that he would marry her but now he was refusing and continuously harassing her. It is also stated that the accused was sending her threatening messages on Whatsapp, such as, *“Tujhe jaan se maruga, tu sirf mere se shadi karege”* and forcing me to meet him.

10. The statement of the prosecutrix has been recorded. This Court has examined the statement made by respondent No. 2 and she has reiterated what has been stated in the response filed by respondent No. 2. She has made a categorical statement that the petitioner had forcible sexual intercourse with her.
11. There are serious allegations against the petitioner, and the matter is still under investigation. The FIR was registered under Section 69 of the BNS pursuant to respondent No. 2's allegations of rape on a false promise of marriage, criminal intimidation, and harassment. However, it is pertinent to note that neither the FIR nor her statement under Section 183 of the BNSS asserts that the petitioner and the respondent shared a sexual relationship during the preceding five years. It is the contention of respondent No. 2 that the act in question amounts to rape, as opposed to deceit-based intercourse. Whether the ingredients of Section 64 of the BNS are satisfied is a determination to be made by the Investigating Officer upon a thorough review of the evidence.
12. While considering the petition for quashing FIR, the Court is not expected to conduct mini trial. In **“Anukul Singh Vs. State of Uttar Pradesh”, 2025 INSC 1153**, the Hon’ble Apex Court has observed as under:

“11.2. Equally, this Court has consistently cautioned that the High Court, while exercising jurisdiction under Section 482 Cr.P.C., cannot embark upon a “mini-trial” or weigh the sufficiency of evidence, which falls within the domain of the trial Court. The scope of enquiry is confined to whether, on a plain reading of the FIR / complaint and accompanying material, the ingredients of

the alleged offence are disclosed. [See: Rajiv Thapar v. Madal Lal Kapoor, HMT Watches v. Abida, and Rathish Babu Unnikrishnan v. the State (Govt. of NCT of Delhi) and others].

11.3. In Md. Allauddin Khan v. State of Bihar, **it was reiterated that appreciation of contradictions or inconsistencies in witness statements lies within the exclusive domain of the trial Court and not in proceedings under Section 482 Cr.P.C.** Similarly, in CBI v. Aryan Singh, **it was emphasized that the High Court had exceeded its jurisdiction by examining the merits of the prosecution's case and holding that charges were not proved, which is a matter strictly for trial."**

(emphasis added)

13. At this stage, this Court would not like to comment as to whether the offence of rape is made out or not but this is a fact that there are serious allegations against the petitioner and his defence cannot be considered at this stage for the purpose of quashing FIR.
14. In view of the above, this Court is of the considered view that FIR cannot be quashed on the grounds raised by the petitioner. The petition lacks merit, the same is, accordingly, **dismissed.**

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15. As mentioned above, there are serious allegations against petitioner. It is contended by respondent No.2 that offence under Section 64 BNS is made out. Respondent No. 2 has produced certain WhatsApp messages, the contents of which are self-explanatory. If these messages indeed emanated from the petitioner, they demonstrate a depraved mindset of the petitioner. If these messages indeed emanated from the petitioner, they demonstrate a depraved mindset and are pointers to the fact that there is a threat to the life of the prosecutrix/respondent no. 2 at his hands.

16. This Court refrains from expressing any opinion on the merits of respondent No. 2's contentions at this stage, given that the investigation is still ongoing. The petitioner has approached the learned Principal Sessions Judge, Reasi for grant of bail but could not succeed in getting bail. The investigation is still at the initial stage and there are already allegations of criminal intimidation against the petitioner. The petitioner's unauthorized absence from duty is noted. Additionally, his mobile handset remains unrecovered, delaying the forensic authentication of the relevant WhatsApp communications. Granting bail in anticipation of arrest at this stage would hamper the fair investigation.
17. In view of the above, this Court is of the considered view that the petitioner has not been able to make out a case for grant of bail in anticipation of arrest.
18. Accordingly, this Bail Application is **dismissed**.
19. Case diary be returned to learned GA against proper receipt.

(Rajnish Oswal)
Judge

JAMMU
08.05.2026
Neha-1

Whether the order is speaking:	Yes/No.
Whether the order is reportable:	Yes/No.