



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

Sr. No.104

CRM-M No.36301 of 2026
Date of Decision: 08.07.2026

AMAN SHARMA

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Naveen S. Bhardwaj, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The present is the first petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of the Code of Criminal Procedure, 1973) seeking the concession of anticipatory bail to the petitioner in FIR No. 74 dated 03.06.2026, registered under Section 64 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 376 of the Indian Penal Code, 1860), registered at Police Station Julkan, Punjab.

2. The present FIR has been registered on the statement of the complainant-victim (name withheld). She stated that she is married and is residing with her husband and two children. As per the allegations, on the night of 01.06.2026, her husband had gone for night duty, while she was sleeping in her room with her children and her parents-in-law were sleeping in another room. It is further alleged that at about 2:00 a.m., after hearing some noise from the cattle shed, she went there to check. At that time, an unknown person came from behind, caught hold of her, covered her mouth



and took her into a room. When she came into the light, she recognized the person to be the petitioner, Aman Sharma, who thereafter committed rape upon her. The complainant thereafter disclosed the occurrence, on the basis of which the present FIR came to be registered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated and that the present FIR is the result of ulterior motives and has been lodged only to malign him. It is submitted that the petitioner and the complainant were well acquainted with each other prior to the registration of the FIR and had remained in regular contact over a considerable period. It is further argued that the petitioner is in possession of photographs, electronic chats and other digital material which, according to him, belie the prosecution version and raise substantial issues requiring investigation. Learned counsel submits that the relevant electronic material can be preserved and examined without taking the petitioner into custody and that the prosecution story is inherently improbable in view of the surrounding circumstances. It is further submitted that the petitioner is ready and willing to join the investigation, cooperate with the Investigating Agency in all respects, furnish his mobile phone or any other electronic device for forensic examination, if required in accordance with law, and abide by any condition imposed by this Court. It is, thus, contended that no useful purpose would be served by his arrest and that custodial interrogation is not warranted.

4. Notice of motion.

5. On the asking of the Court, Mr. Sahil Chowdhary, AAG, Punjab accepts notice on behalf of the respondent-State. Mr. Karan Bhardwaj,



Advocate appears on behalf of the complainant, files his power of attorney, and opposes the present petition.

6. Learned State counsel with the assistance of learned counsel for the complainant submits that the allegations levelled against the petitioner are grave and serious in nature. It is contended that the occurrence itself is not denied by the petitioner. The principal defence sought to be raised is that the occurrence was consensual and that the parties were acquainted with each other. It is argued that such a plea raises disputed questions of fact, which can only be adjudicated upon during the course of trial on the basis of the evidence led by the parties. Learned State counsel further submits that the petitioner cannot seek the extraordinary relief of anticipatory bail merely on the strength of chats, photographs or other electronic material relied upon by him. Considering the seriousness of the allegations and the stage of investigation, it is prayed that the present petition be dismissed.

7. I have heard learned counsel for the parties and have perused the record.

8. The allegations levelled against the petitioner are grave and serious in nature. At this stage, the petitioner has not disputed the occurrence as alleged by the prosecution. The principal defence put forth by him is that the occurrence was consensual and that the parties were acquainted with each other. In support of the said plea, reliance has been placed upon certain chats, photographs and other electronic material to contend that there existed intimacy between the parties and that nothing had occurred against the wishes of the complainant. Whether the material relied upon by the petitioner establishes his defence is a pure question of fact, which cannot be adjudicated in proceedings seeking anticipatory bail. The evidentiary value,



authenticity and effect of such chats, photographs and electronic records are matters to be examined during the course of trial after the parties lead their respective evidence. At this stage, this Court cannot undertake a detailed appreciation of such material or record findings on the merits of the rival versions.

9. The allegations in the FIR disclose the commission of a serious offence, which requires a fair, complete and uninfluenced investigation. The nature and gravity of the accusations, coupled with the stage of investigation, do not persuade this Court to exercise its extraordinary discretionary jurisdiction in favour of the petitioner. Merely because the petitioner has set up a defence based upon alleged consent and has produced electronic material in support thereof does not entitle him to the concession of anticipatory bail at this stage.

10. In view of the foregoing discussion and without expressing any opinion on the merits of the case, this Court is of the considered opinion that no ground is made out for grant of anticipatory bail to the petitioner.

11. Accordingly, finding no merit in the present petition, the same is dismissed.

12. It is, however, clarified that any observations made herein are only for the purpose of deciding the present petition and shall not be construed as an expression on the merits of the case during the course of trial.

13. All pending applications, if any, also stand disposed of.

08.07.2026

(MANDEEP PANNU)
JUDGE

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