



2026:UHC:659

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Anticipatory Bail Application No.42 of 2026**

Dalwindar Sharma

..... Applicant

Vs.

State of Uttarakhand

..... Respondent

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**Present:**

Mr. Sanjeev Singh, learned counsel for the applicant through V.C.

Mr. S.S. Chauhan, learned Deputy A.G. with Mr. Vikash Uniyal, learned Brief Holder for the State

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**Dated: 29.01.2026**

**Hon'ble Subhash Upadhyay, J.**

This is anticipatory bail application moved by the applicant in Case Crime/FIR No.0739 of 2025, relating to offences punishable under section 351(3), 69, 79 of B.N.S. registered at P.S. Kotwali, Haridwar, District Haridwar.

2. Learned counsel for the applicant submits that, as per the allegations levelled in the FIR, the applicant is alleged to have established physical relations with the complainant against her will on the pretext of marriage, whereas the correct facts are that the applicant had a genuine intention to marry the complainant and pursuant to which, on his request, a *roka* ceremony was performed, however, the said relationship subsequently broke down due to certain disputes that arose between them. It is, thus, submitted that there was no deceit,

misrepresentation, or false promise of marriage at the inception of the relationship.

3. Learned counsel would further submit that even as on date, the applicant is ready and willing to marry the complainant; however, it is the complainant who has declined to proceed with the marriage. It is further submitted that a plain reading of the FIR does not disclose the commission of any offence under Section 69 of the B.N.S. while the allegations made under Sections 351(3) and 79 of the B.N.S. are vague and lack material particulars.

4. Learned State Counsel vehemently opposes the present anticipatory bail application; however, he fairly concedes that as per the records of the case a roka ceremony was held.

5. Considering the entire conspectus of things and without expressing any opinion on the merits of the case, this Court is of the view that the applicants have made out a case for anticipatory bail. Accordingly, anticipatory bail application is allowed. It is directed that, in the eventuality of arrest, the applicant shall be enlarged on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with two sureties, each in the like amount, to the satisfaction of

the Investigating Officer (“IO”). In addition to it, the applicant shall also comply with the following conditions:-

- (i) The applicant shall co-operate in the investigation.
- (ii) The applicant shall not approach any witness/victim in any manner, whatsoever.
- (iii) The applicant shall not leave the country without prior permission of the concerned court.
- (iv) The applicant shall deposit his passport with the Investigating Officer (“IO”). The passport may only be returned by the order of the court concerned. In case the applicant does not have passport, he shall give an undertaking to that effect to the IO.
- (v) The applicant shall also give an undertaking on above-stated condition no.(i), (ii) & (iii).
- (vi) It is made clear that, in case, applicant misuses or violates any of the conditions imposed upon them, the prosecuting agency will be free to move the Court for cancellation of the Anticipatory Bail.

**(Subhash Upadhyay, J.)**  
Vacation Judge  
29.01.2026

Rajni

**RAJINI  
GUSAIN**

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