



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

CRM-M-14237-2025 (O&M)

Date of Decision:-08.05.2025

Sanjay Kumar Pandit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. H.S. Rakhra, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case bearing FIR No.242 dated 15.05.2024 under Section 376 of IPC registered at Police Station Badshahpur, Gurugram.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 11 months and 23 days and that the petitioner has been falsely implicated in the present case. Referring to the contents of the FIR, learned counsel for the petitioner submitted that from the perusal of the FIR, it became very clear that there was a consensual relationship between the petitioner and the complainant. As per the FIR, the petitioner had come to the house of the complainant at 4:00 A.M. when the complainant had gone to the toilet, the petitioner had come there and forcibly had physical relations with the complainant and thereafter neighbour arrived



and later the husband of the complainant had come. He submitted that the complainant is a mature lady of the age of 35 years and she has three children and the contents of the FIR would suggest that the incident is improbable. He also submitted that so far as the medical report, which ultimately came out positive, is concerned, the same cannot become a ground for denial of regular bail because it was a consensual relationship between the petitioner and the complainant and once they were caught, the present FIR was registered against the petitioner. He further submitted that the petitioner has faced incarceration for about 11 months and 23 days and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. It is also correct that out of 18 prosecution witnesses cited, 5 witnesses including the complainant have already been examined and the complainant has supported the prosecution version and as per the FSL report, the result is positive. He also submitted that considering the allegations and the role of the petitioner, petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. A perusal of the FIR would show that according to the allegations, the complainant stated that at about 4:00 a.m. when she had gone to the toilet, the petitioner had come there and forcibly developed physical relations with her. Thereafter, the neighbour arrived, followed by her husband. Learned counsel for the petitioner argued that it was a consensual relationship between them, especially since the complainant is a mother of three children



and already a married woman and the present FIR was registered only after the petitioner and complainant were caught. This Court would not go into the merits and demerits of the case because it would be seen at the time of trial as to whether the aforesaid relationship was consensual or not. However, considering the facts and circumstances, the contents of the FIR, and the fact that 5 out of 18 prosecution witnesses, including the complainant, have already been examined, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

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

(JASGURPREET SINGH PURI)
JUDGE

08.05.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No