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

209

**CRM-M-17372-2025 (O&M)
Decided on:- 13.05.2025**

Harsh Sharma @ Rohan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Anuj Arya, Advocate
for the petitioner (*through Video Conferencing*).

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Abhimanu Jangra, Advocate
for the complainant.

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AMARJOT BHATTI, J.(Oral)

1. Petitioner Harsh Sharma @ Rohan has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in case FIR No. 322 dated 11.10.2024 under Section 376(2)(n) of IPC registered at Police Station Manesar, District Gurugram.

2. As per the facts of case, prosecutrix 'A' gave her statement that she is about 23 years of age. She came across with Harsh in the month of December 2023 on Instagram. Thereafter, on 17.01.2024, he called her to his village Panch, Gurugram. She went there and he further took her to OYO Hotel, Gurugram. He showed his own Aadhaar Card and Aadhaar Card of some other girl in record. He committed rape with her against her wishes. When she objected, he assured to perform marriage with her. She was already married and he knew that she was having dispute with her



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husband. He assured to keep her happy after marriage. Thereafter, she was in touch with Harsh on mobile phone. Whenever she wanted to lodge the report, he used to say that they have not done anything wrong as they are to perform marriage. After sometime, he started avoiding her. Thereafter, he again took her to some flat on 21.08.2024 and maintained physical relations with her. He spoiled her married life. He took money from her online and in cash. Finally, she lodged report with police.

3. Learned counsel for petitioner argued that allegations levelled in FIR are false. Their relationship was consensual. There was no misrepresentation on his part nor he exerted any force upon her to maintain said relationship. Prosecutrix concealed the fact that she was already married and had taken divorce from her first husband. It was her second marriage. Despite knowing this fact, they were in relationship. Prosecutrix was in relationship with some other boys and she was cheating on him. She did not change her behaviour. Husband of prosecutrix had lodged one FIR No. 233 dated 24.07.2024 under Section 127(6) of Bharatiya Nyaya Sanhita, 2023 at Police Station Badli, District Jhajjar (Annexure P-2). Petitioner is ready to join investigation as and when required. Without considering the factual position, his anticipatory bail application was declined by learned Additional Sessions Judge, Gurugram vide order dated 25.11.2024 (Annexure P-4).

4. Status report has been filed. It is pointed out that investigation is being conducted in a fair and impartial manner. Prosecutrix has been medically examined. Record of OYO Hotel has been collected. Statement of prosecutrix has been recorded under Section 183 of BNS, 2023. Petitioner is yet to join investigation. Regarding FIR No. 233 dated



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24.07.2024 (supra) (Annexure P-2) lodged on the statement of husband of prosecutrix, learned State counsel clarified that prosecutrix had refused to accompany her husband and finally said FIR was cancelled.

On the other hand, learned counsel representing complainant also opposed present petition alleging that there are specific serious allegations against petitioner. She is apprehending threat from petitioner. She also filed application to Police Commissioner, District Gurugram (Annexure R-1) and has also annexed copy of Whatsapp chat (Annexure R-2). It is submitted that petitioner is not entitled to the concession of anticipatory bail.

5. I have considered the arguments and have gone through the record carefully. Facts of the case clearly indicates that prosecutrix is a married lady. She came in contact with petitioner through Instagram and started meeting him. Learned counsel for petitioner has also placed on record copy of FIR No. 233 dated 24.07.2024 (supra) (Annexure P-2) which was lodged by Krishan, said husband of prosecutrix, who had lodged the report that on 24.07.2024, his wife had left the house with somebody by taking away jewellery and cash amount. In the light of aforesaid factual position, it does not appear to be a case of allurement to an innocent girl. Petitioner is ready to join the investigation and abide by terms and conditions of bail order. Therefore, without expressing my mind on merits, anticipatory bail petition filed by petitioner Harsh Sharma @ Rohan is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave

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country without prior permission as provided under Section 482(2) of BNSS, 2023.

6. Pending application(s), if any, also stands disposed of accordingly.

13.05.2025
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(AMARJOT BHATTI)
JUDGE

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