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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18567-2025
Date of decision: 09.04.2025

HIMANSHU

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sandeep Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Navraj Singh, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.95 dated 23.03.2025, under Sections 351(3), 64(2) and 77 of BNS, 2023, registered at Police Station Sector-5, Panchkula, District Panchkula, Haryana.
2. On the last date of hearing i.e. 04.04.2025, the following order was passed by this Court :-

“Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh Chhina, AAG, Haryana, accepts notice on behalf of the respondent-State and has prayed for some time to seek instructions and to file reply/affidavit in the present case.



At this stage, Mr. Navraj Singh, Advocate has appeared on behalf of the complainant and has filed his memo of appearance in the Court today and has prayed for some time to file his power of attorney. He submitted that it is a case where the petitioner is habitual of entering into friendship with girls and thereafter, making physical relations with them and regarding the same, the police inspected the registers of different hotels and found that the petitioner had visited the hotel mentioned in the FIR as well as other hotels with different girls. He further submitted that the petitioner had clicked obscene photographs of the complainant and threatened her that the same will be made viral. He has also prayed for some time to file reply/affidavit in the present case.

Adjourned to 09.04.2025.”

3. The FIR which was lodged on the basis of the complaint made by the complainant has been so attached alongwith the present petition as Annexure P-1 and the same is reproduced as under:-

“Statement of Vishali daughter of Karnail Singh resident of village Denowal Khurd, P.S Gharshankar, District Hoshiarpur (Punjab), Now present resident of H. No 116, Street No 09, Balongi District Mohali. My birth date is 20 September 2000. I am major. I had done Graduate and diploma Air Hostess. I am doing job from the year 2022 to 10.03.2025 at Coranous at Sector-67, Mohali. Where Himanshu Bhamniya S/o Bhanshi Lal Bhamniya resident of flat no 42 Staler Homes, Dhakoli, Zirakpur has also working. As they were co-employee of company at Mohali on 2023 they develop good friendship with each other and we were talking on mobile usually, He by way of trapping her in



the love affair on 01.10.2023 went for outing to a hotel District 5 Boutique Hotel situated in Sector-5 Panchkula and we are reside there in room no. 203 in the said Hotel and then while refusing, he made physical relationship with me and captured obscene photographs with his mobile phone, he gave threat to me in case you will disclose the incidence to anyone I will Killed to you and further Himanshu Bamniya by way of blackmailing to me on the basis of obscene photographs called me at different places /hotels and committed rape upon me on 04.11.2023 then on 10.02.2024, 04.08.2024, the last time on 14.09.2024 he made physical relation with me at Zirakpur and Shimla and also threatened me for viral the obscene photographs. Then I told all the story to my mother. And then I alongwith my mother gave complaint in this regard to police station Sector 5 Panchkula. Take strict legal action against Himanshu Bamniya. Statement got recorded, heard same is correct. Sd/- L/ASI Naresh Kumari No.85/PKL. Police Station Sector-5, Panchkula.”

4. Learned counsel for the petitioner submitted that it is a case where even a perusal of the FIR would show that there was a consensual relationship between the petitioner and the complainant and both of them were major and co-employees and therefore, no offence was made out. He further submitted that so far as the allegations against the petitioner that he had been in such kind of relationships with other girls as well and had been taking them to different hotels are concerned, the same are incorrect because he has never done the aforesaid act with other girls. He further submitted that the petitioner has been falsely implicated in the present case and considering the aforesaid facts and



circumstances where there was consent of the complainant being a major, he may be considered for the grant of anticipatory bail.

5. On the other hand, Mr. Gagandeep Singh Chhina, AAG, Haryana has filed status report by way of an affidavit of Assistant Commissioner of Police, Crime, Panchkula in the Court today and the same is taken on record. He referred to para No.2 of the aforesaid status report filed in the Court today, wherein it has been so stated that during the course of investigation, it was found that the CDR tower location of mobile phones of the petitioner and the complainant was found at the place of occurrence. It has been further stated in the aforesaid status report that on 03.04.2025, during the course of investigation it was found that as per register entry serial No.1860 dated 31.08.2024 of Hotel Gold Inn Zirakpur, the petitioner stayed there with another girl and the register entry record and ID proof of the petitioner and the aforesaid girl have been taken into possession. It has been further stated in the aforesaid status report that the petitioner is habitual of committing such kind of offences by trapping girls in love affair and thereafter, blackmailing them.

6. The relevant portion of para No.2 of the aforesaid status report is reproduced as under:-

“It is submitted that on 03-04-2025 during the course of investigation it has been found that as per register entry serial No 1860 of dated 31-08-2024 of Hotel Gold Inn Zirakpur (PB) petitioner stayed with another girl namely Preeti. Register entry record and ID Proof of the petitioner and girl Preeti has been taken into possession. Copy of entry record and ID Proof of the petitioner and girl Preeti is



*annexed herewith as **Annexure R-6**. During the course of investigation it has been found that petitioner is habitual to commit the same crime and for trapping in a love trap to the girls for blackmail. Now the case is under investigation.”*

7. Learned State counsel further submitted that the investigation is still underway and it is yet to be ascertained as to with how many other girls the petitioner has entered into physical relations and blackmailed them. He further submitted that apart from the above, the petitioner has also taken obscene photographs of the complainant and was trying to blackmail her and therefore, his custodial interrogation is required in the present case for the purpose of elicitation of truth especially when the matter is extremely serious and grave in nature.

8. Learned counsel for the complainant submitted that the petitioner had trapped the complainant and took her to a hotel and wanted to have physical relations with her and when she refused, he forcibly made physical relations with her and took her obscene photographs and was blackmailing her. He further submitted that the complainant later on came to know that the petitioner is involved with a number of other girls, whom he tried to blackmail. He further submitted that on 04.04.2025, the petitioner threatened the complainant that in case she does not withdraw the present FIR and compromise the matter with him, then she will face dire consequences and as a result of the same, the complainant became unconscious because of mental trauma and she was admitted in the hospital. He also submitted that in this regard, the complainant reported to the police and a complaint was given to the concerned Station House Officer on 04.04.2025 itself alongwith her medical.



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

10. It is a case where the petitioner is seeking grant of anticipatory bail. It is a case of the learned counsel for the petitioner that even a perusal of the FIR would show that the relationship, if any, between the petitioner and the complainant was consensual in nature and the complainant was a major and a co-employee and therefore, no offence was made out, whereas it is the case of the learned State counsel and the learned counsel for the complainant that the petitioner had been blackmailing the complainant and had clicked her obscene photographs, which he threatened to make viral. As per the status report filed by the learned State counsel in the Court today, it was found during investigation that the CDR tower location of mobile phones of the petitioner and the complainant was found at the place of occurrence and the petitioner had also stayed with another girl on 31.08.2024 in the aforesaid Hotel regarding which also the documents have been annexed as Annexure R-6. Apart from the above, it is a specific case of the learned counsel for the complainant that the petitioner threatened the complainant on 04.04.2025 and thereafter, the complainant faced mental trauma and became unconscious and was admitted in the hospital and she has also given a complaint in this regard to the concerned Station House Officer alongwith her medical record.

11. After hearing the learned counsels for the parties, this Court is of the view that considering the aforesaid facts and circumstances which have been so stated by the learned counsels for the parties, this Court is satisfied that it is a fit case where the custodial interrogation of the petitioner is required for the purpose of elicitation of truth especially considering the aforesaid facts and



circumstances pertaining to the gravity and seriousness of the offence and also the complaint which has been moved by the complainant to the concerned Station House Officer on the basis of alleged threat given to her by the petitioner on 04.04.2025.

12. Consequently, finding no merit in the present petition, the same is hereby dismissed.

13. 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.

09.04.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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