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

Sr. No.227

**CRM-M-26533-2025 (O&M)
Date of decision : 23.05.2025**

Hemant Sharma

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pardhuman Garg, Advocate, for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. J.S. Yadav, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), is for grant of anticipatory bail to the petitioner, in case FIR No.0027 dated 06.04.2025, under Sections 69 & 351(3) of BNS, registered at Women Police Station, District Rewari.

2. Vide order dated 15.05.2025, the petitioner was directed to join investigation, the same is reproduced below:-

“Apprehending arrest in FIR No.0027 dated 06.04.2025, under Sections 69 & 351(3) of BNS, 2023, registered at Police Station Women Police Station, District Rewari, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in this case on the statement made by the prosecutrix. It has further been submitted that the petitioner was known to the prosecutrix since 2017, whereafter they had a consensual relationship, in which

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*regard reliance is placed by the learned counsel on the photographs and whatsapp chats between the two, Annexure P2, P4 & P5. He further submits that the first instance of the alleged occurrence is stated to be in 2023, however, the FIR was got lodged in the year 2025. In order to buttress his submissions, learned counsel has placed reliance on the judgment passed in **Afran Amjad Vs. State of Kerala and others, Bail Application No.2351 of 2023.***

Notice of motion.

Served with an advance copy of the petition, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to file reply.

Mr. Jai Sing Yadav, Advocate, puts in appearance on behalf of the complainant and filed his memo of appearance, which is taken on record.

Adjourned to 23.05.2025.

Meanwhile, the arrest of the petitioner shall remain stayed.

In the meantime, the petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- 2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.*
- 3) That the petitioner shall not leave India without prior permission of the Court.*

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

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3. Learned State counsel on instructions from ASI-Sushil submits that in compliance of order dated 15.05.2025, the petitioner has joined the investigation and is not required for any further investigation.
4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 15.05.2025 passed by this Court, is hereby made absolute.
5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).
7. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.
8. The accused-petitioner(s) shall not leave India without prior permission of the Court.
9. The accused-petitioner(s) shall join the investigation as and when called by the police.
10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during

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investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

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

(KIRTI SINGH)
JUDGE

23.05.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No