



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

(212)

CRM-M-29439-2025

Date of Decision: 23.7.2025

Gyanendera Kumar Nishad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yagsimant Attri, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Prashant Yadav, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, in case FIR No. 185 dated 24.4.2025, under Section 376(2)(n) IPC, registered at Police Station Palam Vihar, District Gurugram.
2. Status report by way of affidavit of Assistant Commissioner of Police, Udyog, Gurugram, has been filed by the State, which is taken on record.
3. Vide order dated 27.5.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Apprehending arrest in FIR No.185 dated 24.04.2025, under Sections 376(2)(n) IPC, registered at Police Station Palam Vihar, District Gurugram, 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. He submits that it



is an admitted fact that the petitioner and the complainant were in a consensual relationship for approximately 10 years, which ended in June 2024. It is further stated that there is a delay of 01 year in registration of the present FIR, and that there are no specific allegations against the petitioner which can even remotely indicate towards the commission of any penal offence by the petitioner.

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.

Adjourned to 23.07.2025.

Meanwhile, the arrest of the petitioner shall remain stayed. He 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. ”

4. Learned State counsel on instructions from SI Paramjit Kaur submits that in compliance of order dated 27.5.2025, the petitioner has joined the investigation and is not required for any further investigation.

5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 27.5.2025 passed by this Court, is hereby made absolute.

6. This order should not be treated as "blanket" order. It will not be read granting the petitioner 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.

7. 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.

8. The accused-petitioner 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.

9. The accused-petitioner shall not leave India without prior permission of the Court.

10. The accused-petitioner shall join the investigation as and when called by the police.

11. 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, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

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

(KIRTI SINGH)
JUDGE

July 23, 2025
Gurpreet Singh

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