



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-31433-2025 (O&M)

Date of decision: 05.06.2025

Mohit Bhardwaj

...Petitioner

VERSUS

State of Haryana

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Gaurav Nautiyal, Advocate for the petitioner(s).

Mr. Rahul Dev, Addl. AG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the grant of regular bail to the petitioner in FIR bearing No.0060/2025 dated 21.02.2025, registered under Sections 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Badshahpur, Gurugram.

2. As per the allegations levelled in the FIR registered on the statement of the prosecutrix, she used to work with a company namely 'Spinny' where she met with Sh. Mohit Bhardwaj (petitioner herein) in April-2024, who was her senior. It is alleged that the petitioner convinced her that he shall marry her and thereafter they courted each other for a period of nearly 2-3 months. The petitioner is alleged to have been dropping the prosecutrix to her PG and to other places in an attempt to befriend her. Eventually, the petitioner is alleged to have made a promise to marry her and



to stay together in future and under the said allure, the prosecutrix entered into a physical intimacy with the petitioner. It is also alleged that there were repeated instances of physical inter-course on the aforesaid false promises of marriage as a result whereof in November, she had become pregnant and was tested positive on the pregnancy kit. In January-2025, she asked the petitioner to marry with her and on his refusal, the instant FIR has been got registered. It is further averred that she lodged a complaint at Police Station Badshahpur in Sector 69 and as during the same period, she was also not facing good health, she got a medical check-up at Advanced Diagnostic and Research Centre where the Doctors informed that she had suffered a miscarriage due to over-stress and weakness. Hence, the instant FIR has been registered.

3. Learned counsel for the petitioner has emphatically argued that the petitioner has been arraigned as an accused in the present case for malicious reason. It is submitted that prior registration of the instant FIR, a complaint was submitted by the prosecutrix on 15.01.2025 wherein an Investigating Officer was appointed. The statements of the parties were recorded by the Inquiry Officer and finally a finding was recorded by him to the effect that the petitioner as well as the prosecutrix were co-workers and they were good friends for last 10 months and they had entered into a consensual relationship with each other with no deployment of any deceitful means for entering into a physical relationship. The said complaint was accordingly recommended to be filed by the Investigating Officer on 19.01.2025 bearing *rapat* No. 107-CAS. The complainant however filed a



second complaint before the A.C.P. Gurugram on 13.02.2025 bearing No.38-DS/C which was converted into the instant FIR wherein the petitioner was arrested on 17.04.2025 and he was produced before the concerned Magistrate on 18.04.2025. He is in judicial custody since then.

4. Counsel contends that the petitioner as well as the complainant were known to each other and that they entered into a physical relationship with no commitments or strings attached. There was no deceitful means deployed and the physical intimacy between the parties was after deliberating all pros and cons of relationship. He contends that the complainant was already fully aware that the petitioner was already in relation with another girl for last more 12 years and that there was no assurance, commitment or allurement on the part of the petitioner to enter into any matrimony with her. He further contends that there is a recorded conversation between the petitioner as well as the prosecutrix wherein she specifically acknowledges that the relationship commenced with no assurance, allurement, inducement or promises by the petitioner to enter into a matrimony and that the petitioner is infact a victim of the obsession of the prosecutrix who has threatened that she would not leave the petitioner till such time that she herself is married to somebody else. So much so, the prosecutrix also acknowledges the relationship of the petitioner and threatens to inform the said girl (name not being reproduced) about his relationship with her. He further contends that the investigation in the case is complete and a final report has already been filed. The case is now fixed for 28.07.2025 for charge. It is further argued that the petitioner does suffer



from any criminal antecedents and no recovery is to be effected from him. He contends that the petitioner has already undergone actual custody for a period of 01 month and 16 days

5. Learned counsel for respondent-State, on the other hand, contends that a perusal of the FIR shows that there have been allegations of the petitioner alluring the prosecutrix for marriage and then entering into a physical intimacy.

6. He is however not in a position to dispute that the complaint submitted by the complainant bearing No.107-CAS dated 15.01.2025 was inquired into by the Inquiry Officer and that the Investigating Officer had recommended as under:-

“Respected Sir,

Upon receipt of above complaint in the police station, the investigation was carried out by me LSI. During investigation of the case, the statement of Mohit was recorded and from the investigation of complaint, it has been found out that complainant and Mohit Bhardwaj were working together where both were became friends since past 10 months and both of them mutually started residing in a Relation and both developed physical relation in consent with each other. Now due to some issue, there arises a dispute between them. Mohit is now not talking in a good way. Complainant Radha forcibly wants to reside with Mohit who have been explained orally. From the investigation of the complainant, no offence has been



found to have been committed in the complaint. The physical relations were built with mutual consent in their relation. Hence, the complaint is recommended to be consigned to the office records. Report is presented.”

7. He is also not in a position to dispute that notwithstanding the aforesaid inquiry that had been conducted by the Inquiry Officer, the instant FIR has been registered. Besides, he is also not in a position to dispute that the investigation in the present case is complete and also that the transcript of the conversation recorded between the parties rather reflects that the relationship being mutual and not being persuaded by any assurance or promise of marriage.

8. I have heard the learned counsel appearing on behalf of the respective parties.

9. This Court has taken into consideration the following aspects:-

- (i) That the prosecutrix-complainant and the petitioner used to work in the same company. A perusal of the transcript that has been appended by the petitioner alongwith the instant petition shows that there was a long standing cordial relationship between the prosecutrix and the petitioner and the possibility of the relationship being without any commitment and with no strings attached cannot be entirely ruled out.
- (ii) It is also noticed from the transcribed conversation that the complainant has expressed her obsession about the



petitioner and has threatened that she would not allow him to marry anybody else till such time she herself gets married to anybody else and settle in her life.

- (iii) It is also reflected from a perusal of the transcript that has been reproduced by the petitioner in the instant petition that the prosecutrix-complainant was aware of the petitioner being in relationship with another girl for the last more than 12 years and had contemplating entering into an matrimonial relationship with the said girl. She infact threatened to expose the petitioner to the said girl as well. The relevant extracts of the transcripts that has been vehemently relied upon by the petitioner are extracted as under:-

m. "WE STARTED OUR RELATIONSHIP WITH NO COMMITTMENT NO PLANNING" "MUJHE NAHI PATA KI MAINE START KAISE KIYA AUR TUMNE MUJHSE KYA BOLA" "MUJHE NAHI PATA MOHIT, MUJHE TUM CHAIYE MATLAB CHAIYE. TUM MERI ZID HO BAS"

n. "2-4 SAAL MAIN SHAADI KAR LUGI MAL KISSI AUR SEY USSKE BAAD TUM SHADI KAR LENA". "TOH MAI SHAADI KAB KARUGA, MERE GHARWALE



THODI RUKEGEY" "SAB RUKEGE AUR
SABKO RUKNA PADEGA".

q. "MERI ZID AISI HOTI HAI"
"TUM ZID MAI KISSI DUSRE KI LIFE THODI
KHARAB KAR DOGI" "THEEK HAI,
MUJHE BI TU CHAIYE, CHAHEY MUJHE KUCH BI
KARNA PADEY".

p. "AGAR TUMHE LAGTA HALKI TUM
MERE SATH ACHEY SE REH KAR SAB THEEK
KAR LOGEY, MAIN SAB KUCH BIGAAD DUGI".

q. "TUM MUJHE APNI ZID MAI DAMAGE
KAR DOGI" "HA MAI KAR DUGI".

r. "KYA PHELE KI TARAH HUM BINA
COMMITMENT WALI LIFE JEE SAKTE HAI"
..... "MAIN APNI LIFE KHUD BANA LUGI".

s. "MAIN PHLE WALI LIFE JEENE KE LIYE READY
HU WITHOUT ANY COMMITMENT WALI"
"HA WO THEEK HAI LAKIN AGAR TUM SOCH
RAHE HO KI TUM KISSI AUR SE APNA
COMMITMENT POORA KAR LOGEY TOH WO MAI
HONE NI DUGI AUR BHUL JAO APNI SHAADI".

t. "MAINE USSEY BHI CALL KAR KE
BOLA HAI KI BHUL JA APNI SHAADI TUMARE
SATH".



u. "MUJHE KUCH MAT BOLO, MAIN SAB BIKHER DUGI TUMHARA, TUM SOCH BI NI SAKTE HO MAI KYA KAR DUGI TUMHARA".

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i. "MAINE EK COMPLAINT PER HI NAHI RUKUGI AUR DIRECTLY F.I.R. KARUGI" "TUM BLACKMAIL KAR RAHE HO MUJHE" "TUMNE EGO HURT KARI HAI MERI, MAI BHI YEHI KARNE KE BAAD SORRY BOL DUGI" "MAIN KYU BOLU SORRY KANIKA KO, GALTI MAINE KARI HAI KYA?".

ii. "AGAR KANIKA BOL RAHI THI TOH USSEY BOLNE DENA CHAIYE THA. AAPKO BEECH MAI NAHI BOLNA CAHAIYE THA".

iii. "AGAR KOI MUJHE GAALI DEGA TOH MAI USSEY BARBAAD KAR DUGI".

iv. "MERA 12 SAAL KA RELATION HAL, SAB KHARAB HO JAYEGA" "YEH TOH AAPKO DEKHNA CAHAIYE THA, JAB TUM MERE SATH RELATIONSHIP MAI AA RAHE THEY" "TUME BHI TOH AISA LADKA CAHAIYE THA JISSE SATH NO FUTURE NO COMMITMENT" "HA TOH ISSKA



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MATLAB YEH NAHI KI TUM MERI G***D MAAR
LOGEY KYA?"

10. Even though it is a selective extraction of the conversation that had taken place between the petitioner and the prosecutrix-complainant, however, it shows that the allegations as levelled by the complainant may *prima facie* give strength and force to the suggestion of the petition that there was an element of free volition and no commitment.

11. It is also not in dispute that the complaint dated 15.01.2025 submitted by the complainant was earlier inquired into by the Investigating Officer wherein he had concluded that the offences as alleged were not made out and it was consensual relationship between the parties with no criminal offence being made out especially under Section 69 of the Bharatiya Nyaya Sanhita, 2023.

12. Even if the allegation of the complainant getting pregnant as a result of relationship with the petitioner is *prima facie* accepted, it is not disputed that there was no role of the petitioner in termination of the foetus. Be that as it may, the pregnancy may at best be a proof of physical intimacy between the parties, which such fact is also not disputed or denied by the petitioner herein. The criminality in the instant case is not due to physical intimacy but as to whether such sexual relationship was sought on the deceitful premise of getting marriage or not. Hence, the ingredient of the offence required to be established must precede the relationship between the parties. The contemporaneous evidence does lean to some extent in favour



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of the petitioner as well, however, the actual assessment thereof is to be done at the stage of trial. Hence, this Court would refrain from commenting any further on the same.

13. That the investigation in the present case is already complete and the charge-sheet has been filed. the case is fixed for framing of charge and it would take long time before it is finally concluded.

14. The petitioner has also undergone an actual custody of 01 month and 16 days and does not suffer from any criminal antecedents.

15. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

16. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

05.06.2025
Mangal Singh

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