



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

**CRM-M-47288 of 2025
Reserved on: 24.09.2025
Date of Order:26.09.2025**

Sharwan Kumar alias Madan

.Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

**Present: Mr. Mohit, Advocate
for the petitioner.**

Mr. Vikas Bhardwaj, AAG, Haryana

**Mr. Vikas Bishnoi, Advocate
for respondent no.2**

SHALINI SINGH NAGPAL, JUDGE

Petitioner seeks regular bail in case vide FIR No.00118, dated 05.05.2025, under Section 66(E) of the Information Technology Act, 2000 and Sections 126, 316(2), 351(3), 64(2)(m), 78 of Bhartiya Nyaya Sanhita (BNS), 2023, Women Police Station, District Fatehabad. Section 66(E) of the Information Technology Act, 2000, was deleted during investigation. This is his first petition for regular bail.

Prosecutrix 'R', a women constable, alleged that in January, 2021, she became friendly with Sharwan Kumar @ Madan, who was associated with her colleague. In June, 2021, Sharwan Kumar @ Madan borrowed Rs.20,000/- from her. Thereafter, he asked for a loan to be sanctioned against her salary account. Accordingly, she got loan of Rs.4,57,200/- sanctioned on her salary account on 23.06.2021, which money



he got transferred in his own account through online process. When she asked him to return the money, he stopped responding to her calls. When she informed his family members, he deposited some amount. Thereafter, she stopped talking to him. Sharwan Kumar @ Madan then started harassing her by making phone calls and following her. In this regard, she moved a complaint in Women Police Station in October, 2023. The matter was compromised when Sharwan Kumar @ Madan sought apology and promised not to repeat the act in future. Thereafter, Sharwan Kumar @ Madan with malafide intention transferred some amount in her bank account through online mode which he later on withdrew through ATM.

In January, 2024, when she was taking rest in her official accommodation, he called her and thereafter visited her. He gave her some medicines after taking which she became intoxicated. Then, Sharwan Kumar @ Madan committed immoral act and left, extending threat that he had prepared a video and would eliminate her if she dared to move complaint. On that account, she did not disclose the incident. Thereafter, accused Sharwan Kumar @ Madan made physical relations with her under threat of making the video viral. He made many videos on his phone through a hidden App and made physical relations with her in some hotels by blackmailing her. When she learnt about his criminal antecedents, she blocked his number and stopped talking to him.

Prosecutrix further alleged that in January, 2025, Sharwan Kumar @ Madan started harassing her by making repeated visits. He also threatened to throw acid at her and to eliminate her, to get false case of extortion registered against her. In this connection, she moved an



application in Police Station Sadar, Fatehabad. On 04.04.2025, when she and her mother were waiting for bus on the bus stand of her village, he came with his white Brezza car no.HR 80E 5812 and tried to hit her and her mother, proclaiming that he would continue to harass her. On 27.04.2025, at about 2:30 noon, he again extended threats to her relatives, abused and quarreled with them, in which regard she moved a complaint in Police Station City, Fatehabad. She was called to the police station and pressurized to compromise the matter. On 30.04.2025, when she was going to Police Station for duty, accused Sharwan Kumar @ Madan came in his car and tried to abduct her but could not succeed. Thereafter, he ran away. A complaint was moved in the police station but the police was pressurizing her to settle the matter and threatening to implicate her in false cases. Accused Sharwan Kumar @ Madan was repeatedly making phone calls to her niece and was extending threats of death. Legal action was prayed for.

Learned counsel for the petitioner *inter-alia* submitted that complainant was a clever, mature lady, who was in long term relationship with the petitioner. He further submitted that prior to registration of the FIR, prosecutrix made a complaint against the petitioner in July, 2023, wherein she did not level any allegation of sexual harassment. When no action was taken on that complaint, the FIR was got registered by aggravating the allegations to implicate the petitioner falsely. Learned counsel next referred to Annexure P-6, another complaint of the prosecutrix to SHO, wherein the only allegation against the petitioner was that he used to harass her and was a criminal kind of person. It was further submitted that a complaint was made by the petitioner against the prosecutrix on 01.05.2025 (Annexure P-7)



and soon thereafter, as a counter blast, present case was got registered by sending a complaint through post. It was next submitted that there were numerous financial transactions between the petitioner and the complainant, details of which were given in paragraph 8 of the petition. Even after moving the complaint, prosecutrix had received various sums of money from the petitioner on 18.11.2024, 27.11.2024 and 02.12.2024. The FIR was got registered by the prosecutrix, a police official, by misusing her position only to harass and humiliate the petitioner. He further submitted that petitioner was in custody in the case for the last four months and deserved to be enlarged on regular bail.

Learned State counsel has opposed the prayer for regular bail. He placed on record custody certificate and argued that allegations against the petitioner were very serious, his antecedents were not clean. He was involved in seven other cases. He further submitted that only charges were framed against the petitioner and no prosecution witness had been examined yet.

Learned counsel for the complainant, too, has opposed the prayer for bail, clarifying that there were no financial transactions between the prosecutrix and the petitioner and the transactions detailed in para no.8 of the petition were between the prosecutrix and nephew of the petitioner. It was argued that petitioner had sexually exploited the prosecutrix over a period of time and considering his antecedents petitioner did not deserve release on bail .

Prosecutrix is a women constable, aged 33 years. The FIR records that petitioner was known to her since June, 2021. There were



financial dealings between the petitioner and the prosecutrix in June, 2021. This too, is stated in the FIR. In the year 2023 and 2024 also, there are several financial transactions between the prosecutrix and Ajay son of Karan Singh, nephew of the petitioner. Petitioner claims that these transactions were in fact, between him and the prosecutrix. Two prior complaints have been made by the prosecutrix against the petitioner on 07.07.2023 and 22.02.2025. Both complaints are silent regarding sexual assault by the petitioner. Annexure P-7 is another complaint moved by the petitioner against the prosecutrix alleging that she had broken the front glass of his car on 29.04.2025 and three glasses of his car on 30.04.2025. Soon thereafter, the present case has been lodged.

Petitioner is in judicial in the case with effect from 12.05.2025. Though, he is stated to be involved in seven other cases, mere involvement in other criminal cases cannot be a reason to decline the concession of regular bail. Considering the over all facts and circumstances of the case, but without commenting on merits, petitioner is ordered to be released on regular bail subject to her furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

26th September, 2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No