



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

CRM-M-51515-2025 (O&M)

Reserved on: 17.11.2025

Pronounced on: 18.11.2025

Uploaded on: 18.11.2025

VIKAS KUMAR PASWAN

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Prateek Gupta, Advocate
for the petitioner.

Ms. Kanica Sachdeva, DAG Haryana.

Mr. Vishal Verma, Advocate
for the complainant.

SHALINI SINGH NAGPAL, J.

Petitioner seeks regular bail in case arising out of FIR No. 209 dated 25.06.2025 under Sections 376(2)(n), 313, 354-C Indian Penal Code, Police Station Sushant Lok, District Gurugram. This is the first petition for regular bail.

Prosecutrix, aged 24 years, informed the police that she was working as a maid in a house on the fourth floor in Sushant Lok, Gurugram, Haryana, since 2019, whereas accused was working as a sweeper/helper on the third floor. They both lived together in the servant quarter room on the ground floor. When she went to take bath in the morning, accused pursued her, peeped into the bathroom and did not allow her to talk to anyone. He professed love for her and said that he wanted to keep her as his wife. For the first time, he



CRM-M-51515-2025 (O&M)

-2-

committed forcible rape on 05.05.2019 between 11.00 PM to 12.00 PM in servant room. When she objected, he assured that he would perform marriage with her and said that from that day onwards, she was his wife. Thereafter, he developed physical relations many a times and lastly, he had physical relations with her in the night of 10.04.2025. He left for his village in Bihar on 11.04.2025 without informing her. His maternal uncle informed her that he was performing marriage in the village. When she called him, he did not take her call. She missed her periods in May 2025.

Learned counsel for the petitioner submits that it was a clear case of consensual relationship turned sour when prosecutrix started suspecting that petitioner would solemnize marriage with another lady. It was argued that the prosecutrix was a mature lady, fully aware of the consequences of her actions and the physical relationship, over a prolonged period of time, made it clear that it was with the consent of the prosecutrix. He further submits that the matter had since been compromised with the prosecutrix who had sworn an affidavit (Annexure P-3) stating therein that she lodged the FIR out of misunderstanding and did not wish to pursue the same as accused had assured to marry with her. In support of his prayer for bail, he referred to judgments in ***Shiv Pratap Singh Rana Vs. State of Madhya Pradesh and Another 2024 INSC 481*** and ***Rajnish Singh @ Soni Vs. State of Uttar Pradesh and Another 2025 INSC 308***.

Learned State counsel has filed status report by way of affidavit of Amit Bhatia, Assistant Commissioner of Police, East, Gurugram on behalf of respondent-State of Haryana and opposed the prayer for regular bail arguing that in the event of release on bail, petitioner could dissuade the witnesses from



CRM-M-51515-2025 (O&M)

-3-

disclosing the truth and may flee from justice. Considering the heinous nature of crime, petitioner did not deserve to be enlarged on bail.

Mr. Vishal Verma, Advocate has put in appearance on behalf of the prosecutrix and filed his power of attorney. Same is taken on record. He concedes the factum of compromise and submits that complainant had no objection in case the petitioner is enlarged on bail.

Concededly, prosecutrix, who is a mature lady, aged 24 years was in relationship with the petitioner for 06 years before registration of the FIR. Whether the promise to marry was in bad faith, without intention of being adhered to, can be determined only on conclusion of trial. Whether or not the offences under Sections 376(2)(n), 313, 354-C IPC are attracted in the facts and circumstances of the case would also be moot point before the trial Court during the trial, which may take long to conclude. Petitioner is judicial custody since 30.06.2025 and his further incarceration is not warranted. In the circumstances of the case but without meaning to express any opinion on merits, the petition is allowed. Petitioner-Vikas Kumar Paswan, is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Pending CRM(s), if any, are also disposed of accordingly.

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 17.11.2025
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Ajay Goswami

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