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

Sr. No.210

CRM-M-56383-2024 (O&M)
Date of decision : 01.04.2025

Sidharth Kamlesh Dhanda

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

Mr. Brijesh Sharma, AAG, Haryana.

Mr. N.K. Vasudeva, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) is for grant of anticipatory bail to the petitioner, in case FIR No.103 dated 11.04.2024, under Section 376 IPC, registered at Police Station Sector 50, District Gurugram, Haryana.

2. On 14.11.2024, the following order was passed by a Coordinate Bench of this Court:-

1. The instant first petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.103 dated 11.04.2024, under Section 376 IPC, 1860, registered at Police Station Sector 50, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner is 48 years old. He is a photographer by profession and an advertising filmmaker, whereas, the prosecutrix is 44 years old. She is an Instagram travel influencer and a doctor by profession. As per the allegations, the petitioner met the prosecutrix through a dating application 'Tinder' on 15.07.2018. The prosecutrix has alleged that she engaged in a

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physical relationship with the petitioner believing that they were building a future together.

2.1 It is contended that the petitioner and the prosecutrix had a relationship from 2018 to 2021 and during this period, they had 10 trips together in India and abroad. It is further contended on behalf of the petitioner that the prosecutrix was well-aware of the financial difficulties of the petitioner, including a debt of ₹15-16,00,000/-. Even in the year 2019, the petitioner was facing financial distress. It is further contended that the petitioner has never made any false promise to the prosecutrix. In fact, the prosecutrix made repeated false promise of marriage, but she never intended to solemnize marriage with the petitioner, which is evident from the WhatsApp chat inter se the petitioner and the prosecutrix (Annexures P-3 and P-4).

2.2 Referring to the various emails (Annexures P-6 and P-7), legal notice (Annexures P-9 and P-10) and the social media comments made by the prosecutrix on YouTube (Annexure P-7), learned counsel for the petitioner contends that the petitioner has been harassed and exploited. Learned counsel for the petitioner submits that the petitioner is ready to join the investigation.

3. Notice of motion.

4. Mr. Kirpal Singh Thakur, AAG, Haryana and Mr. Vijesh Sharma, Addl. A.G., Haryana, accept notice on behalf of respondent No.1-State and opposes the present petition on the ground of gravity of allegations levelled against the petitioner.

5. Mr. Ankur Malik, Advocate has put in appearance on behalf of the complainant and filed 'vakalatnama', which is taken on record. He has opposed the present petition and seeks a short accommodation to file written reply.

6. Adjourned to 11.12.2024.

7. In the meantime, no coercive action shall be taken against the petitioner.

3. Thereafter, vide order dated 16.12.2024, the petitioner was directed to join investigation, which reads as under:-

Learned counsel for the petitioner submits that the petitioner is ready to join investigation and cooperate with the Investigating Agency. Status report dated 04.12.2024, filed by way of an affidavit of Sh. Virender Singh, HPS, Assistant Commissioner of Police, East, Gurugram, on behalf of respondent-State, is taken on record.

Adjourned to 11.02.2025.

In the meanwhile, the petitioner is directed to join investigation within a period of ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of

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the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the 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 from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.

4. Learned State counsel on instructions from ASI-Usha Rani submits that in compliance of order dated 16.12.2024, 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 16.12.2024 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(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.

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(s).

8. 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.

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

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10. The accused-petitioner(s) 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(s), 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.

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

(KIRTI SINGH)
JUDGE

01.04.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No