



CRM-M-63513-2024 (O&M)

-1-

216

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

**CRM-M-63513-2024 (O&M)
Date of Decision: 03.04.2025**

Anshul Gupta

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Tejaswini, Advocate
for the petitioner.

Mr. G.S. Chhina, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-4917-2025

For the reasons mentioned in the application, the same is allowed and a copy of cross-examination of complainant as Annexure P-9 is taken on record, subject to all just exceptions.

Main case

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.119 dated 21.04.2024 under Sections 313, 376(2)(n), & 406 of IPC, registered at Police Station DLF, Phase 3rd, District Gurugram.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner is in custody for about 9 months and after completion of investigation of the present case, the challan has already been presented before the competent Court and even the trial has commenced wherein the

**CRM-M-63513-2024 (O&M)****-2-**

complainant has been fully examined. She further submitted that it is a case where the allegations against the petitioner as so alleged by the complainant in the FIR are that both of them met with each other in the year 2023 and thereafter, they stayed together in a hotel and established physical relations and thereafter, they had agreed to marry each other but at the same time, there was some financial dispute between the parties as so stated in the FIR itself and that was the reason that the present FIR was lodged by making false allegations against the petitioner. She also submitted that both the petitioner and the complainant were co-workers in the same organization and were having a very good relations but due to the arising of the financial dispute between them that the present FIR was got lodged and the provisions of Section 376(2)(n) IPC has been added just to blackmail the petitioner. She further submitted that even otherwise also the petitioner is having clean antecedents and is not involved in any other case and the material witness, who is the victim/complainant herself, has already been examined and therefore, his further custody may not be justified and he may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Chhina, learned AAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and the petitioner is in custody for about 9 months and it is also correct that the complainant/victim has been fully examined. He however submitted that the allegations against the petitioner are serious in nature in view of the fact that it was so alleged that the petitioner had made a promise to the complainant to marry her and established a physical relationship which resulted in the complainant/victim getting pregnant and the fetus was got aborted and thereafter, he refused to marry her. He further submitted that



considering the seriousness of the offence involved in the present case, the petitioner does not deserve the concession of regular bail. So far as the antecedents of the petitioner is concerned, he submitted that it is correct that the petitioner has clean antecedents and is not involved in any other case.

4. I have heard the learned counsels for the parties.

5. It is a case where the custody of the petitioner comes out to be about 9 months. As per learned counsels for the parties, the complainant/prosecutrix, who is the material witness in the present case, has already been fully examined. It is a case of the learned counsel for the petitioner that after perusing the FIR, it is clear that the petitioner and the victim had entered into physical relationship and thereafter, they had also promised to marry each other but thereafter because of some financial dispute they did not marry and because of the aforesaid dispute, the present FIR was got lodged. Be that as it may, a perusal of the FIR would show that there was a financial dispute between the parties and a perusal of the FIR would further show that it was so stated by the complainant that they had entered into physical relations initially with consent although may be for the reason of promise to marry. The petitioner is stated to be having clean antecedents and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may repeat the offence. Therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to

the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

03.04.2025

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned

Yes/No
2. Whether reportable:

Yes/No