



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

101

CRM-M-3315-2026

Date of Decision:08.04.2026

**MUNENDRA KUMAR AND ANOTHER       .....PETITIONERS**

**VS**

**STATE OF HARYANA AND ANOTHER       .....RESPONDENTS**

**CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON**

Present:-     Mr. Manpreet Singh Bhatti, Advocate  
                  for the petitioners.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

Mr. Shakinderpal Singh Chakkal, Advocate  
for respondent No.2/complainant.

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**NEERJA K. KALSON, J.**

1.           The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of anticipatory bail to the petitioners in case bearing FIR No.410 dated 02.12.2025, under Sections 69, 89, 351(2), 3(5), 115(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Shivaji Nagar, Gurugram (Annexure P-1).

2.           As per the prosecution case, applicant No.1, despite being a married man, established physical relations with the prosecutrix on multiple occasions on the pretext of a false promise of marriage; it is further alleged that he got the pregnancy of the prosecutrix terminated forcibly and extended threats to her and her family members. Insofar as applicant No.2, who is the wife of applicant No.1, is concerned, the only allegation attributed to her is that she had assaulted the prosecutrix and caused injuries. The prosecutrix, in



Sanhita, 2023 before the learned Magistrate, Gurugram has reiterated the allegations as levelled in the FIR.

3. Learned counsel for the petitioners has contended that the relationship between the prosecutrix and petitioner No.1 was consensual in nature and that the prosecutrix herself has now filed a duly sworn affidavit before the learned trial Court stating that she does not wish to pursue the present FIR, that she has no surviving grievance against either of the petitioners and that she has no objection to the grant of anticipatory bail; it has also been pointed out that she has appeared through counsel before this Court as well and reiterated the said stand.

4. *Per contra*, learned State counsel has opposed the prayer, submitting that the allegations, particularly against applicant No.1, are grave in nature and the investigation is still at a nascent stage.

5. I have heard learned counsel for the parties and have gone through the record.

6. Having given thoughtful consideration to the rival submissions, this Court is of the considered view that the case warrants a differentiated approach qua the two applicants on account of the distinct roles attributed to them.

7. At the outset, it must be observed that the offences alleged are serious and non-compoundable in nature and the statement of the prosecutrix recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, being on oath before a Magistrate, *prima facie* supports the prosecution case; though the subsequent conduct of the prosecutrix, as reflected from her sworn affidavit and the statement made through counsel before this Court, wherein she has stated that she does not wish to pursue the matter, is a relevant



dislodge the prosecution case at this stage when the investigation is still in progress

8. Insofar as petitioner No.1 (husband) is concerned, the allegations against him are grave and serious, involving repeated sexual relations on the pretext of a false promise of marriage, forcible termination of pregnancy and criminal intimidation; the nature and gravity of accusations, coupled with the earlier statement of the prosecutrix under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, persuade this Court to hold that a thorough and effective investigation is required and the possibility of custodial interrogation of petitioner No.1 cannot be ruled out; the subsequent affidavit of the prosecutrix, though a relevant factor, is not sufficient to eclipse the seriousness of the allegations at this stage or to entitle him to the extraordinary relief of anticipatory bail.

9. However, insofar as petitioner No. 2 (wife) is concerned, the role attributed to her stands on a different and distinct footing, as the only allegation against her is that she had assaulted the prosecutrix and there is no allegation of inducement, promise of marriage or participation in the alleged acts forming the core of the prosecution case against applicant No.1; thus, her role appears to be limited and ancillary in nature and, taking into consideration the subsequent stand of the prosecutrix along with the absence of any material indicating that custodial interrogation of applicant No. 2 is necessary, this Court is of the view that she deserves the concession of anticipatory bail.

10. Accordingly, the present petition is partly allowed; in the event of arrest, petitioner No.2 (wife) shall be released on anticipatory bail subject to her furnishing bail bonds and surety to the satisfaction of the Arresting/Investigating Officer, and she shall join the investigation as and



Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, howover the prayer that the observations made herein are only for the purpose of deciding the present petition and shall not be construed as an expression on the merits of the case.

(NEERJA K. KALSON)  
JUDGE

08.04.2026  
pry

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |