

CRM-M-11538 of 2026(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:067241



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CRM-M-11538 of 2026(O&M)

Reserved on: 29.04.2026

Pronounced on:01.05.2026

Uploaded on:01.05.2026

Mohit Gupta @ Mohit Kumar Gupta

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Abhinav Dubey, Advocate and
Mr. Akash Yadav, Advocate for the petitioner.

Mr. Kshitij Bharti, AAG Haryana.

SHALINI SINGH NAGPAL, J.

Petitioner seeks regular bail in case vide FIR No. 343 dated 07.08.2025 under Sections 69, 351(3) of the BNS 2023 (Erstwhile Section 506 IPC 1860) Police Station Sector 13/17 Panipat, District Panipat. This is the first petition for regular bail.

Prosecutrix stated in her written complaint that she was married in the year 2012 but due to mutual differences, her marriage was dissolved in 2020 through a Panchayati settlement. Thereafter, she came in contact with Mohit Gupta, who started talking to her. He expressed that he liked her and wanted to marry her. She told him that she was divorced with two children. Mohit said that he had no objection and that he would accept her children as well. Thereafter, he started frequently visiting her house and on one occasion, he forcibly had physical relations with her against her will. On protest, he conveyed that they would soon get married and such things were

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normal between husband and wife. Thereafter, he continued to visit her house frequently and forcibly had physical relations with her against her will. Whenever she insisted for marriage, he avoided the matter on one pretext or the other. He also took her to his house several times where he committed unnatural sexual acts. During this period, Mohit took approximately Rs.3 lacs from her on various occasions and misappropriated her gold and silver jewellery. A few days back, when she asked him to marry her, he refused saying that he was fed up and would not perform marriage as he intended to marry another woman. He also threatened to kill her and to make her obscene videos and pictures viral.

Learned counsel for the petitioner submits that the prosecutrix was a mature adult and the Panchayati divorce with her first husband had no legal sanctity. There was no decree of dissolution of marriage of prosecutrix by a Court of competent jurisdiction and her marriage subsisted in the eyes of law. As such, even if the allegations in the FIR were accepted as correct, no offence under Section 69 BNS would be made out. Relationship between petitioner and prosecutrix was consensual in nature, given colour of criminal offence only to harass and pressurise the petitioner.

Learned State counsel has filed status report and opposed the prayer for bail on the ground that petitioner deceived the complainant on false assurance of marriage and had physical relations with her taking advantage of her vulnerable situation. He exploited the prosecutrix sexually on multiple occasions with no intention to fulfill the promise of marriage. He thus prayed that prayer for bail be declined.

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Petitioner is in custody w.e.f. 01.09.2025 i.e. approximately 8 months. Prosecutrix, as per her own saying, is a mature adult with two children. Her own stand is that her marriage with her husband was dissolved through a Panchayati settlement. Considering the subsistence of first marriage of the prosecutrix, which has not been dissolved by a decree of divorce by a competent Court, whether the physical relations made by the petitioner on promise to marry her would attract the culpability of Section 69 of BNS would be moot point during the trial. Investigation is complete. Trial to conclude is likely to take long. Petitioner has clean antecedents. He is not stated to be involved in any other case. Further detention of the petitioner, in the facts and circumstances of the case, is not called for. The petition is allowed. Petitioner is ordered to be released on regular bail subject to his 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

01.05.2026

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Whether speaking/reasoned	:	Yes
Whether reportable	:	No