



CRM-M-14234-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-14234-2026

Date of Decision : 27.04.2026

HIMANI

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Lalit Kumar, Advocate
for the petitioner.

Mr. Krishan Lal Saini, Sr. DAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 BNSS, has been filed by petitioner, an accused in case bearing FIR No.121 dated 19.07.2025 registered against her at Police Station Rania, Bahu Akbarpur, Rohtak, for the commission of offences punishable u/s 123, 238(b), 308(2), 333, 351(3), 61, 64(2) (m) of BNS.

2. Facts necessary for disposal of this petition have been taken from para 2 of the Status report dated 22.04.2026 filed by way of affidavit of Mr. Tanuj Sharma, Deputy Superintendent of Police, Meham, District Rohtak. The same is reproduced as under:-

“2. That the facts of the case are that a complaint has been moved by prosecutrix to police to the effect that on 27.4.2025, her sister-in-law **Himani (present petitioner)** in the neighbourhood had got introduced her with Dinesh by saying that he is her brother and thereafter on 4.5.2025, for some reason she had accompanied her at

Tylar Lake, Rohtak whereby, said accused Dinesh was also found present there. Himani (P) had induced her to have friendship with accused Dinesh, but she has refused for the same. On the next day i.e. 5.5.2025, Himani (P) had again called the prosecutrix to her house and accused Dinesh was already present there. Tea was offered to prosecutrix, but after consuming the same, she felt giddiness and far asleep there and after sometime, she regained consciousness, she found herself in disturbed condition. Her clothes were also found to be tampered one. She has doubted regarding something wrong done with her in her unconcious state and when she objected with Himani (P), who had given excuse that nothing wrong has been done with her. On 9.5.2025, Himani(petitioner) had again taken her to Bhiwani Octroi, Rohtak, whereby, accused Dinesh was already present there. Accused Dinesh had shown her naked photos of dated 5.5.2025 and thereupon they both had threatened her not to disclosed anything about this to anyone else they would viral and published the same and she had asked her to have relations with accused Dinesh. After seeing the photos, she was frittered and begging them for deleting the said photos but they had again call her at Galaxy Hotel, Bhiwani Octroi, Rohtak and Himani (P) had assured that having physical relation with Dinesh, she would get the photos deleted, whereby accused Dinesh had forcibly committed rape upon her on the pretext of not doing viral her nude photos. Despite her repeated request, photos had not been deleted. They both had threatened and then she came back to her house. Due to fear, she

could not disclosed the said fact to anyone. However, the accused Dinesh and Himani (P) had asked her to bring Rs.1 lakhs else they would viral her photos and defame her. Due to fear, she has asked to give some time and in order to save her dignity and honour, on 26.5.2025, she has taken Rs.50,000/- as well as Rs. 10,000/- without permission from her house. She had also taken gold ring of her mother and had given Rs.10,000/- to accused Himani (P) and had given Rs.50,000/- and gold earring to accused Dinesh, who was there in Galaxy Hotel. He had again committed rape upon her and had taken Rs.50,000/- and gold earring of her mother. When she had asked her to delete the photos, the accused had assured her that he will delete the same. On dated 13.7.2025, when her mother was searching Rs.50,000/- and ear gold ear ring, she had disclosed while fearing to her mother regarding the incident and giving of money to the accused persons. Thereupon, her mother had pacified her and then they had reported the matter to the police. When they were going to report the matter to the police, on 18.7.2025, accused Dinesh at 6.00 P.M. came on Activa with one some boy and they had threatened her in case she will move complaint to the police, they will kill them. The prosecutrix requested to take legal action against the accused persons. On the basis of said complaint a case vide FIR No.121 dated 19/7/2025 U/s 64(2)(M), 61(2), 123, 333, 308(2), 351(3) BNS was registered at Police Station Bahu Akbarpur, Distt.-Rohtak.”

As per medical examination of prosecutrix got conducted on 19.07.2025, the examining doctor opined as under:-

“Possibility of sexual assault cannot be ruled out”

Statement of prosecutrix u/s 183 BNSS (earlier Section 164 Cr.P.C.) was got recorded before the learned Illaqa Magistrate and other proceedings were conducted.

On 26.07.2025, co-accused Dinesh was arrested, who stated that he had deleted the objectionable photographs of the prosecutrix from his mobile phone and had broken the same. Resultantly, Section 238(b) BNS was added. Rs.1,000/- and Honda Activa bearing registration No.HR12-AT-8114 were recovered. Police authorities also found that vehicle in question was registered in the name of Mukesh s/o Dariyao, r/o New Vijay Nagar, Rohtak, who also disclosed that on the said day, the vehicle was being used by the petitioner. He also got the place of occurrence demarcated.

Present petitioner was arrested on the same day i.e. on 26.07.2025.

During interrogation, she confessed to her involvement in the commission of offence and got recovered Rs.500/-. Call detail records of petitioner and co-accused Dinesh were also collected. Location chart revealed that petitioner was present in the area where the offence was committed.

On culmination of investigation, challan was prepared and filed in the Court on 18.09.2025.

3. Aggrieved of the order dated 02.02.2026 passed by the learned Additional Sessions Judge, Rohtak vide which the second application for grant of bail filed by the petitioner was dismissed, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, a 26 years old young woman with clean antecedents, has been falsely implicated in the present case only on account of the fact that she is distantly related to main accused – Dinesh, against whom allegations of violating the person of the prosecutrix/victim have been levelled. Aforesaid Dinesh has since been arrested and is in custody now.

Continuing further, learned counsel contends that facts and connecting circumstances brought on record when carefully perused, lead to a clear inference that prosecutrix was a '*Consenting*' party to the entire incident. Her stand is that on 05.05.2025, after consuming tea offered to her by petitioner, she felt giddy and lost consciousness, as also that when she later got up, she noticed that her clothes had been tampered and some wrong act had been committed with her. A few days thereafter, on 09.05.2025, she accompanied the present petitioner, it was on the said day that she was allegedly shown her naked photographs. She next alleged that both petitioner and co-accused Dinesh threatened her not to disclose these facts to anybody. She begged them for deleting the photographs, on threats issued by them, she reluctantly went to another hotel where co-accused Dinesh forcibly violated her person.

Learned counsel contends that the story put-forth by the victim does not inspire confidence, for it does not appeal to commonsense that despite having been threatened she would again go to meet co-accused Dinesh. Moreover, it remains unexplained as to what prevailed upon her to wait for two months before initiating criminal proceedings. This unexplained delay, thus, leads to an inference that fact has been twisted and a coloured version has been portrayed.

Learned counsel next contends that in the light of submissions

advanced hereinabove, lenient view deserves to be taken in favour of the petitioner, who has been in custody since 26.07.2025 and who has minor child aged about 04 years to look after, as the prospect of trial being concluded in the near future seems to be quite remote, for out of 20 prosecution witnesses only one has been examined till date. When viewed in the factual scenario of the case in hand, further incarceration of petitioner would not serve any useful purpose as the same would be violative of his fundamental rights guaranteed under Article 21 of the Constitution of India. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to him. Prayer for allowing the petition has been made.

5. *Per contra*, while referring to the Status Report dated 22.04.2026 by way of affidavit of Mr. Tanuj Sharma, Deputy Superintendent of Police, Meham, District Rohtak, learned State counsel has opposed the request for grant of bail on the ground that petitioner was known to the ‘victim’ and despite being on friendly terms with the entire family, she (P) enticed the young girl, aged about 18 years and encouraged her to meet Dinesh, as also to develop friendly relations with him. Later, she called prosecutrix to her house, when she offered her (victim) a laced drink after consuming which the young girl felt giddy. When she regained consciousness, she noticed that her clothes had been torn and suspected that some wrong had been committed with her when she was unconscious. When she questioned her sister-in-law i.e. the present petitioner, she was assured that all is well. Few days thereafter i.e. on 09.05.2025, the young girl was taken by the present petitioner to some place in Rohtak, where she was shocked to see her naked photographs. These photographs had been clicked by co-accused Dinesh while she was unconscious. The duo i.e. present petitioner and co-accused Dinesh

then started blackmailing her that in case she does not continue with her relationship with Dinesh, the objectionable photos would be made 'Viral'. Only with a view to save her prestige and honour of her family, she stole money and valuables from her house and handed them to Dinesh. Some part of the looted proceeds was recovered from the present petitioner as well, highlighting her complicity in the entire incident. In the light of role played by the petitioner, the fact that she played with the emotions of young girl and committed breach of trust, learned State counsel contends that no ground for grant of pre-arrest bail is made out. Dismissal of petition has been prayed for.

6. It is settled that grant or refusal of bail is the discretion of the Court. Factors to be kept in mind while granting the concession of bail have been discussed by the Hon'ble Supreme Court in several cases. The essence being that while exercising powers under Section 439 Cr.P.C. (*Pari materia* to Section 483 of BNSS), the Court has to take into consideration various parameters including the nature of the charge, evidence, seriousness and gravity of offence, punishments to be awarded to a person, if he is convicted, his past antecedents etc. Thus, there can be no straight jacket formula for exercising the discretion and each case has to be examined on its peculiar facts.

The Hon'ble Apex Court in ***Sanjay Chandra versus Central Bureau of Investigation (2012)1 Supreme Court Cases 49***; held as under:-

"The object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The Courts owe more than verbal respect to the principle that punishment begins after conviction, and that

every man is deemed to be innocent until duly tried and duly found guilty. Detention in custody periding completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In India, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the propose of gwing him a taste of imprisonment as a lesson."

Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr., 2018(2) R.C.R. (Criminal) 131***, elaborated upon the factors to be kept in mind while deciding bail and reiterated that a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. Hon'ble Apex Court further held that while considering prayer for grant of bail, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Hon'ble Apex Court further held that if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimized, it would be a factor that a judge would need to consider in an appropriate case.

In view of the settled proposition of law, submissions advanced by

the learned counsel for the petitioner, the role attributed to petitioner but without advertent to the merits of the case, lest it may prejudice the trial, this Court is of the opinion that further detention of the petitioner (who has been in custody since 26.07.2025), would not serve any useful purpose, as the same, without the prospect of trial being concluded in the near future, for out of 20 prosecution witnesses only one has been examined till date, would be violative of her rights under Article 21 of the Constitution of India, including right to speedy trial.

Resultantly, petitioner is granted the concession of bail subject to her furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse her liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner*

seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

27.04.2026
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>