



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

102

CRM-M-18310-2026

Date of Decision:06.04.2026

KRISHAN

.....PETITIONER

VS

STATE OF HARYANA

.....RESPONDENT

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

Present:- Mr. Sant Lal Barwala, Advocate
for the petitioner.

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

Mr. Akash Ahlawat, Advocate
for the complainant.

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 petitioner in case FIR No.48 dated 19.02.2026, under Section 64(2) (M)/77/79/126(b), 308(2), 351(3) and 3(5) of BNS, 2023 read with Sections 376, 354-C, 509, 339, 110, 130 and 34 of IPC, registered at Police Station Urban Estate Hisar, District Hisar.

2. Briefly, the case of the prosecution is that on 19.02.2026 one Zero FIR No.01 dated 17.02.2026 under Sections 64(2)(m), 77, 79, 351(3), 308(2), 126(2), 3(5) of BNS Police Station Sadar, Jind was received in the Police Station Urban Estate, Hisar through post from the office of Superintendent of Police, Jind. Complainant-prosecutrix in her complaint mentioned that she was a student in Jat College. Accused Krishan was also studying in her class. On 01.01.2023, she alongwith 2-3 friends went to the P.G. of her sister in



Hisar, where she was employed. Her other friends left after a short while and her sister departed for her duty. The accused Krishan and Ankush and she remained alone in the room. Krishan forcibly established physical relations with her and recorded videos and took photographs. Thereafter, both accused started blackmailing her and threatened her to comply with his demands otherwise he would make the photos and videos viral to her family members. Prosecutrix further stated that on 23.01.2023 accused Krishan forcibly committed rape upon her on the pretext of making viral her objectionable photos and videos. Thereafter, accused Krishan continuously subject her to physical exploitation and extorted money from her. Accused Ankush was also involved in the conspiracy alongwith accused Krishan. Out of fear of social stigma, she never disclosed these facts to her family and both accused continued exploited her relentlessly. She suffered severe mental and physical harassment. Prosecutrix further disclosed that she submitted a written complaint to Police Post Jind regarding the extortion of money, photos, videos but due to fear of social disgrace, she refrained from disclosing the details of rape. Accused Krishan returned her some amount and his father apologized, assuring her that accused would not blackmail her in the future. Yielding to pressure from the village Panchayat, she withdrew her complaint. However, even after, accused Krishan continues to blackmail her repeatedly. On 28.01.2026 accused Krishan and his younger brother Aniket stopped her near Narnaund. They abused her and issued threats to make her objectionable photo and videos viral on social medial. She contacted with their family members but they flatly refused to even speak with her. A prayer was made for taking legal action against the accused persons. On the basis of said complaint, FIR u/ss 64(2)(m), 77, 79, 351(3), 308(2), 126(2), 3(5) BNS was registered. Further investigation was conducted by LASI Suman 473/Hisar. Counseling



of the prosecutrix was got conducted before Legal Aid counsel. On 20.02.2026 statement of prosecutrix u/s 183 BNSS was got recorded before learned Magistrate. Prosecutrix was also medicolegally examined from General Hospital, Hisar.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which arises out of a purely monetary dispute that has been maliciously given a criminal colour. It is contended that in the initial complaint dated 14.01.2026, the complainant did not level any allegation of rape. The dispute was confined to alleged monetary transactions and accusations of blackmail. The said complaint was voluntarily withdrawn, and a closure report was filed, which clearly reflects the true nature of the dispute. Learned counsel submits that the complainant herself admitted that she had received money and articles and that the matter had been settled through a Panchayat without any coercion or undue influence. This establishes that the dispute was civil and monetary in nature, which has subsequently been converted into a criminal case with ulterior motives. It is argued that the alleged incident pertains to 01.01.2023, whereas the FIR has been registered in February 2026, after a delay of more than three years. Such an unexplained and inordinate delay casts serious doubt on the veracity of the prosecution story and is fatal to the case.

4. Learned counsel emphasizes that there are glaring contradictions between the initial complaint and the subsequent FIR. While the earlier complaint contains no allegations of rape, the later FIR introduces serious allegations, which appear to be an afterthought and legally untenable. It is further submitted that the learned Sessions Court, while dismissing the anticipatory bail application vide order dated 25.03.2026, failed to properly appreciate the material contradictions, delay, and settled principles of law



governing anticipatory bail. Accordingly, it is prayed that the petitioner be granted the concession of anticipatory bail.

5. Learned counsel for the complainant vehemently opposes the grant of anticipatory bail and argues that the petitioner has been persistently demanding money from the complainant and has been blackmailing her. Learned counsel places reliance on WhatsApp messages exchanged between the parties and the monetary transactions, which clearly demonstrate that the petitioner was exerting pressure and engaging in acts of blackmail against the complainant. It is contended that the FIR discloses serious allegations, and therefore, the petitioner does not deserve the discretionary relief of anticipatory bail.

6. Learned State counsel has opposed the prayer and submits that the allegations levelled against the petitioner are grave and that custodial interrogation of the petitioner-accused is required for proper and effective investigation.

7. I have heard learned counsel for the parties and have perused the record.

8. This Court deems it apposite to observe, at the outset, that the jurisdiction vested under Section 438 Cr.P.C/Section 482 BNSS is discretionary and is to be exercised with exception, particularly in cases involving grave and serious offences. The Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab (1980) 2 SCC 565***, while delineating the controversy of anticipatory bail, emphasized that it is not to be granted as a matter of concern and that the Court must consider various factors, including the nature and gravity of the accusation, the antecedents of the petitioner and the possibility of fleeing from justice or tampering with the evidence.



9. The Hon'ble Supreme Court, in State rep. by ***CBI v. Anil Sharma, (1997) 7 SCC 187***, observed that custodial interrogation is qualitatively more elicitation-oriented and often indispensable for a thorough and effective investigation, as compared to questioning a person who is armed with a protective order of anticipatory bail. The investigating agency must be afforded a free hand to unearth the truth, which may necessitate sustained and custodial questioning of the petitioner to ascertain the full facts and circumstances surrounding the alleged crime. Also keeping in view the serious nature of the crime, the possibility of petitioner tampering with evidence or absconding from the course of justice is significantly high, which would be highly prejudicial to a fair trial. The Hon'ble Supreme Court, in ***Jai Prakash Singh v. State of Bihar, (2014) SCC 379***, emphasised the need for caution in granting anticipatory bail in serious offences, especially where there is a likelihood of the petitioner tampering with evidence or influencing witnesses.

10. The record placed before this Court indicates that a *prima facie* case is made out against the accused. The whatsapp messages exchanged between the parties, as placed on record, *prima facie* reveal that the petitioner was exerting pressure upon the complainant and was indulging in acts amounting to blackmail. The FIR also discloses serious allegations against the petitioner. Apart from this, multiple transactions reflecting transfer of money by the complainant to the accused have also been placed on record, which *prima facie* lend support to the allegations that payments were being made by her under alleged coercion. However, the authenticity and evidentiary value of the whatsapp chats as well as the financial matters to be duly examined during the course of transactions relied upon the complainant, which is still at a crucial and nascent stage.



11. At the stage of anticipatory bail, the Court is not expected to conduct a meticulous examination of the evidence or to record findings on the truthfulness of the allegations.

12. In these circumstances, this Court finds that the learned Additional Sessions Judge, Hisar was justified in declining the concession of anticipatory bail to the petitioner. No illegality, perversity or jurisdictional error is shown in the impugned order warranting interference by this Court. Accordingly, the present petition stands dismissed.

(NEERJA K. KALSON)
JUDGE

06.04.2026
pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No