



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

103

CRM-M-23984-2026 (O&M)

Date of Decision: 30.04.2026

Sanjay Kumar

....Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

NEERJA K. KALSON, J. (Oral)

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of anticipatory bail in FIR No.0038 dated 02.03.2026 (Annexure P-1) under Section 64, 69, 88, 351(3) and 3(5) of BNS (corresponding Sections 376, 312, 130, 34 of IPC) registered at Police Commissionerate Cantonment, District Amritsar, Punjab.

2. Learned counsel for the petitioner submits that, as per the contents of the FIR, allegations have been levelled not only against the petitioner but also against his father and brother. It is contended that the said co-accused, against whom identical allegations have been attributed, have already been granted the concession of anticipatory bail by the learned Sessions Court vide interim order dated 03.04.2026 (Annexures P-8) and



final order dated 10.04.2026 (Annexure P-9). The petitioner had also applied for anticipatory bail; however, his application was dismissed vide order dated 18.04.2026 (Annexure P-10).

3. Learned counsel for the petitioner submits that allegations in the FIR have been levelled not only against the petitioner but also against his father and brother, who, despite facing identical allegations, have already been granted the concession of anticipatory bail by the learned Sessions Court vide interim order dated 03.04.2026 (Annexure P-8) and final order dated 10.04.2026 (Annexure P-9). It is submitted that the petitioner's application for anticipatory bail, however, was dismissed vide order dated 18.04.2026 (Annexure P-10).

4. It is further submitted that the prosecutrix, aged about 24 years, and the petitioner were in a consensual relationship for a considerable period after coming in contact through social media and remaining in continuous interaction, during which both parties, being majors, maintained physical relations. It is contended that the present allegations arise out of a failed relationship and a marriage proposal that did not fructify despite discussions between the families. It is also submitted that the petitioner is employed in the Railways and presently posted at Amritsar, had extended financial assistance to the prosecutrix as reflected in Annexure P3, and had approached the authorities prior to registration of the FIR apprehending false implication, whereafter the present FIR was lodged as a counterblast.

5. It is further submitted that the petitioner is employed in the



Railways and is presently posted at Amritsar. During the subsistence of the relationship, the petitioner had extended financial assistance to the prosecutrix, and documents reflecting such transactions through digital modes have been placed on record (Annexure P-3). It is also contended that prior to the registration of the FIR, the petitioner had approached the authorities apprehending false implication, and the present FIR is a counterblast to the said complaint.

6. Learned State counsel has opposed the prayer for anticipatory bail on the ground of seriousness of the allegations and has prayed for dismissal of the present petition.

7. Heard learned counsel for the parties and perused the material on record.

8. The allegations, as set out in the FIR, indicate that the parties had remained in contact over a considerable period and had developed a relationship. The prosecutrix is admittedly a major. The material placed on record in the form of chat exchanges, though not to be conclusively examined at this stage, *prima facie* reflects a continuing interaction between the parties over a period of time. Such material, for the limited purpose of the present petition, lends support to the contention that the relationship was not of an isolated or abrupt nature.

9. The documents placed on record also indicate that there were financial transactions between the parties during the subsistence of their association. The exact nature and implications thereof would be a matter for



trial; however, the same form part of the overall circumstances which cannot be ignored at this stage.

10. The opposition by the State is primarily on account of the gravity of allegations. However, no specific circumstance has been brought to the notice of this Court to indicate that custodial interrogation of the petitioner is indispensable for the purposes of investigation, particularly when the material relied upon appears to be largely documentary and electronic in nature.

11. Without expressing any opinion on the merits of the case and keeping in view the totality of the circumstances, including the nature and duration of the relationship between the parties and the material placed on record in the form of chat exchanges as well as the financial transactions; this Court is of the considered view that the petitioner has made out a case for grant of anticipatory bail.

12. Accordingly, the present petition is allowed.

13. In the event of arrest, the petitioner shall be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall, however, abide by the following conditions:

- i. The petitioner shall join investigation as and when called upon by the Investigating Officer and shall cooperate with the investigation.
- ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness



acquainted with the facts of the case.

- iii. The petitioner shall not leave the country without prior permission of the trial Court.
- iv. The petitioner shall abide by the conditions as envisaged under Section 482(2) BNSS.

14. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

15. Pending application(s), if any, also stands disposed of

30.04.2026

Atul

(NEERJA K. KALSON)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No