



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

CRM-M-27182-2026 (O&M)

Date of Decision: 19.05.2026

Neeraj Garg

..... Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Sukhjit Singh, Advocate,
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

Neerja K. Kalson, J.

1. This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of anticipatory bail to the petitioner in FIR No.79 dated 17.03.2026 registered under Sections 376(2) (N) of IPC (corresponding Section 64 of BNS) registered at Police Station City Kaithal, District Kaithal.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case arising out of a long standing consensual relationship between the parties. It is contended that the prosecutrix herself, during the earlier enquiry conducted on her complaint dated 27.10.2025, admitted that she knew the petitioner for the last about six years and that the physical relations between them were consensual in nature.

2.1 Learned counsel further submits that the complainant had also stated before the police that the complaint was filed under misunderstanding and that she did not want any action against the petitioner. It is further



argued that the present FIR has been lodged subsequently under pressure from family members after the relationship turned sour. Learned counsel submits that the petitioner has clean antecedents, nothing is to be recovered from him, custodial interrogation is not required and he is ready to join investigation and abide by all conditions imposed by this Court.

3. *Per contra*, learned State counsel assisted by learned counsel appearing on behalf of the complainant has opposed the prayer for anticipatory bail and referred to various chats and electronic communications exchanged between the parties, which have been placed on record. It has been contended that from the very inception the relationship was induced on the basis of a false promise of marriage extended by the petitioner. Learned counsel has specifically pointed out that in several conversations (taken on record as Mark 'X'), the petitioner had allegedly referred to the complainant as "Biwi" (wife) and other similar expressions of endearment and assurance, which according to the complainant reflects the nature of assurances allegedly held out to her. It has further been submitted that the complainant, in her statement recorded under Section 183 BNSS, 2023 has levelled serious allegations against the petitioner and specifically alleged that she was physically exploited by him on the false promise of marriage.

3.1. Learned State counsel further submits that custodial interrogation of the petitioner is necessary for a fair and effective investigation of the case. It has been argued that the mobile phone allegedly used by the petitioner during the course of the relationship is yet to be



recovered and examined for the purpose of retrieval of electronic material, including chats, Snapchat communications and other digital data relevant to the allegations levelled in the present FIR. It has further been submitted that certain surrounding circumstances connected with the allegations are still under investigation and therefore, custodial interrogation of the petitioner is stated to be necessary for a complete and effective investigation.

4. I have heard learned counsel for the parties and have gone through the paper-book.

5. Keeping in view the nature and gravity of allegations, the material collected during investigation, the statement of the complainant recorded under Section 183 BNSS, 2023, the electronic communications placed on record and the specific stand taken by the investigating agency regarding the requirement of custodial interrogation for recovery and examination of electronic evidence, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioner at this stage. The pleas sought to be raised on behalf of petitioner regarding consensual relationship and the previous conduct of the complainant are matters which would be subject to appreciation on the basis of evidence during the course of trial.

6. Consequently, the present petition stands dismissed.

7. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.

19.05.2026
SN

(NEERJA K. KALSON)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No