



CRM-M-33355-2026

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

205

CRM-M-33355-2026

Date of Decision: 15.06.2026

Anirudh

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sachin Sharma, Advocate and
Ms. Nirmala Devi, Advocate for the petitioner
Mr. Deepak Vashishth, Deputy Advocate General, Haryana
Mr. Abhimanu Jangra, Advocate for complainant
(*through video conferencing*)

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') is seeking regular bail in FIR No.172 dated 13.04.2026 under Section 64(1) (Section 123 added later on) of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS') registered at Police Station Sector 65, District Gurugram.

2. The case of prosecution is that the petitioner has committed rape upon complainant who hails from West Bengal. She came to Gurugram and booked a lodge where the petitioner committed rape upon her.

3. Learned counsel for the petitioner *inter alia* contends that petitioner is a 19 years old boy and complainant is a 33 years old lady. It was a consensual relation between the petitioner and complainant. She is B.A. (Hons.). She has made a statement before the Trial Court to the effect that matter has been amicably compromised and even today, her counsel has

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made the same statement. No recovery is to be effected from the petitioner. He is in custody since 19.04.2026 and is not involved in any other offence. The petitioner is permanent resident of District Hisar. He has deep roots in the society. There is no possibility to flee from justice.

4. Custody certificate dated 11.06.2026 is taken on record. As per custody certificate, the petitioner is in custody since 19.04.2026 and is not involved in any other offence.

5. Learned State counsel submits that police report has already been filed, however, charges are yet to be framed. He further submits that out of 14 witnesses, none has been examined. The petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

6. Mr. Abhimanu Jangra, Advocate appeared and filed his Power of Attorney on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place.

7. Learned counsel for the complainant submits that the matter has been amicably resolved between the petitioner and complainant.

8. Intent of arrest and reason of denial of bail is to:

- i) Secure the appearance of the accused at the time of trial;
- ii) allay possibility of repeating of offence & jeopardising own life on account of grim prospect of being convicted; and
- iii) Avoid possibility of tampering of evidence and security of witnesses who may be pressurised or maltreated.



9. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction. Detention or arrest not only deprives a person from his fundamental right of personal liberty guaranteed by article 21 but also freedom guaranteed by Article 19(1) of our Constitution.

10. The petitioner is in custody since 19.04.2026 and is not involved in any other offence. Police report under Section 193 BNSS stands filed, however, charges are yet to be framed. No recovery is to be effected from him. The parties have amicably settled their dispute and complainant does not want to pursue the matter. The Trial Court yet has to return definite findings on the disputed issues. There are 14 prosecution witnesses and till date none has been examined, thus, there is abysmally low possibility of conclusion of trial in near future. The petitioner is permanent resident of District Hisar and staying with family members. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses.

11. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.



12. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

13. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

15.06.2026
Mohit Kumar

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