

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33568-2026(O&M)
DECIDED ON: 10.06.2026

MOHAMMAD DANISH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Redhu, Advocate
Mr. Pranav Verma, Advocate
Mr. Yajur Bhola, Advocate for the petitioner(s)

Mr. Ved Parkash, Sr. DAG, Haryana.

Mr. R.S. Randhawa, Sr. Advocate with
Mr. Karamyog Singh Riar, Advocate and
Mr. Varun Tuteja, Advocate for respondent No. 2.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 of The Bharatiya Nagrik Suraksha Sanhinta, 2023 (Corresponding Section 438 of The Code of Criminal Procedure, 1973) praying for grant of anticipatory bail to the petitioner in case FIR No.123 dated 21.05.2026 (Annexure P-1), under sections 295-A, 376(2)(n), 468, 506 of Indian Penal Code 1860 (Corresponding Sections 299, 64(2)(m), 336(3), 351(2) of The Bhartiya Nyaya Sanhita, 2023) and Section 12 of The Protection of Children from Sexual Offence Act, 2012, registered at Police Station Sector-5 Gurugram, District Gurugram.

2. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated and that the FIR has been lodged after an inordinate and unexplained delay with respect to the alleged incident took place in year 2020-21 and the present FIR was registered on 21.05.2026. Learned counsel argues that the allegations of blackmail, forcible conversion and sexual exploitation are false and are belied by the conduct of the parties, who lived together as husband and wife after marriage. It is further contended that the complainant was taken away by her family members on 16.12.2022, who were opposed to the marriage, and thereafter pressurized her to lodge the present FIR. The petitioner has also instituted proceedings for restitution of conjugal rights, demonstrating the subsistence of the marital relationship.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Ved Parkash, Sr. DAG, Haryana, accepts notice on behalf of respondent/State.

He along with learned Senior counsel for the respondent opposes the petition for bail stating that the allegations levelled in the FIR are grave and serious in nature. It is contended that the petitioner had been persistently stalking, threatening and harassing the complainant since her school days. Considering the seriousness of the allegations and the requirement of a fair and effective investigation, the petitioner does not deserve the concession of anticipatory bail. He, therefore, prays for dismissal of the petition.

3. Analysis

Having heard learned counsel for the parties and without expressing any opinion on the merits of the case, this Court finds that the allegations pertain to events

stated to have occurred almost 5 years ago, whereas the FIR came to be registered in the year 2026. The petitioner has also referred to proceedings for restitution of conjugal rights instituted prior to the registration of the FIR. The questions as to whether the relationship between the parties was consensual is a matter which require adjudication during trial.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioners, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioners are directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

10.06.2026
anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

:Yes/No
:Yes/No