



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(127)

CRM-M-58047-2025 (O&M)

Date of Decision: 25.03.2026

HARISH KUMAR

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: None for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. R.S. Dhillon, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.99 dated 17.07.2024, under Section 376 of IPC, registered at Police Station Civil Lines, Bathinda, District Bathinda.

2. The translated version of the FIR is reproduced below:-

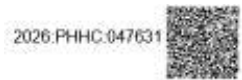
“Stated that I am residing at the above mentioned address and I am employed in a boutique. I was afraid yesterday as mother of Harish was present in the hospital along with a man and for this reason I am narrating my entire ordeal today. About 12 years ago, I got married to one Maninder Singh, S/o Sarup Singh, R/o Bathinda and after about one and a half month I returned to my home. Thereafter I took divorce through Court. About 5-6 years ago, I met Harish, S/o Rajesh, resident of Bathinda, who was working as a Trainer in Kheri Gym, to enquire about gym membership and I started taking training in the gym. Harish told me that he will marry me as he likes me a lot and thereupon I disclosed about my past to Harish, who told me that it is acceptable to him. One day Harish took me to his house on the pretext of making me meet with his mother and family members. Upon reaching, his house, nobody was found present and Harish forcibly developed physical relation with me and thereafter assured me that we will get married. Thereafter on the pretext of marriage, he made physical relations with me multiple times and I got pregnant due to the



same. Harish told me, that he cannot marry me until his sister gets married and thereafter he made me speak with his sister xxxxx on phone. He brought an abortion kit medicine and made me take the same, as a result thereof the pregnancy got aborted. On the pretext of marriage, he took a lot of money from me along with one I-Phone 12 and I can produce the evidence for the same. After the marriage of Harish's sister, I asked him to talk with his family about our marriage, but he told me that if I want to keep a relationship with him like this then it's fine as he will not solemnize marriage with me. When I insisted for marriage, I was beaten up by him and he threatened to post the pictures taken by him in his mobile phone during our intimate moments on the internet. On 27.05.2024, Harish texted me to visit gym at the earliest and I reached the gym around 10:30 Am. Harish made forcible physical relations with me and when I told him that I will disclose about this to his family members, thereupon he sent the pictures which he had kept in his mobile to scare me to someone and threatened me that he will put it on internet and will make me dance naked on road. Harish has physically abused me on the pretext of marriage and has made my pictures, clicked by him in his phone viral. Action be taken against Harish and justice be provided to me. I have got recorded my statement, which is read over to me and the same is correct”

3. It is averred in the petition that the petitioner has been falsely implicated in the instant FIR, which was registered after a delay of over a month, on the statement of the complainant, alleging therein that the petitioner committed rape upon her on the false pretext of marriage. It is submitted that the petitioner has been implicated in the present case since the consensual relationship between the parties did not culminate in the outcome desired by the petitioner. due to prior animosity, being the neighbour of the complainant. Moreover, the DNA has turned out to be negative. The petitioner, a 30 year old, has already undergone actual custody of 1 year and 12 days. There is no other case registered against him.

4. Learned State counsel has opposed the prayer made in the present petition and submits that there are specific serious allegations against the present petitioner, of committing rape upon the prosecutrix. During the course of investigation, the statement of the prosecutrix was recorded under Section 183 BNSS, wherein specific allegations were levelled against the petitioner. The testimony of the complainant has also been recorded before



the learned trial Court, in which she has supported the case of the prosecution. After completion of investigation, challan was presented, and thereafter charges were framed against the petitioner on 04.08.2023, and all prosecution witnesses stand examined. Therefore, the petitioner does not deserve to be granted the concession of regular bail by this Court.

5. Heard the learned counsel for the parties.
6. *Prima facie*, grave and specific allegations of committing rape upon the complainant on the false pretext of marriage, have been levelled against the petitioner. The statement of the complainant recorded under Section 183 BNSS and her testimony before the learned trial Court is consistent with respect to the said allegations, wherein she has narrated a detailed account of how the petitioner established physical relations with the complainant by deceitful means. Moreover, the trial is at the fag end, with all the prosecution witnesses already examined and the case being fixed for defence evidence. Therefore, under such circumstances, this Court is not inclined to grant the concession regular bail to the petitioner. Accordingly, the instant petition stands dismissed.
7. However, considering the custody period undergone by the petitioner, the learned trial Court is encouraged to conclude the trial expeditiously.
8. It is made clear that nothing observed hereinabove shall be construed as an expression on the merits of the case.

Application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

March 25, 2026
Itihlesh

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