



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(155)

CRM-M-67641-2025 (O&M)

Date of Decision: 26.02.2026

KAMLESH SAINI

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Sandeep Kumar Yadav, Advocate and
Mr. C.S. Saini, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The present petition has been preferred by the complainant seeking cancellation of anticipatory bail granted to respondent No.2 vide order dated 17.10.2025 passed by the learned Additional Sessions Judge, Narnaul in FIR No.228 dated 16.09.2025 registered under Sections 323, 328, 376 and 384 IPC at Police Station Sadar Narnaul, Mahendergarh.

2. The factual backdrop in brief is that the petitioner had lodged a complaint, alleging that the accused-respondent had secretly recorded her objectionable videos, whereafter he blackmailed her, extorted money and committed sexual assault upon her under the threat of making the said videos viral. On her complaint, a Zero FIR was registered at Police Station Malviya Nagar, New Delhi which was thereafter transferred to Narnaul,



where the present FIR came to be registered. The accused-respondent sought anticipatory bail, which was allowed by the learned Sessions Court upon observing that though the allegations were serious, the relationship between the parties prima facie appeared to have subsisted over a considerable period, and that custodial interrogation was not warranted at that stage. The accused-respondent was accordingly directed to join investigation and comply with statutory conditions. Upon his doing so, the anticipatory bail petition was allowed. Subsequently, the final report was presented by the investigating agency, whereupon, the accused-respondent appeared before the learned trial Court, and was granted regular bail.

3. Learned counsel for the petitioner has vehemently contended that the impugned order is liable to be set aside as no notice was issued to the complainant prior to grant of anticipatory bail. It is urged that in a case involving serious allegations under Section 376 IPC, the complainant ought to have been afforded an opportunity of hearing. It is further submitted that the accused had misled the Court by portraying the matter as a consensual relationship, attributing the registration of the FIR to monetary disputes. Therefore, it is contended that the impugned order is also vitiated on account of misrepresentation of facts by the accused. In support of his submissions, reliance has been placed on the judgments passed in ***Criminal Appeal No.5385 of 2024***, titled as “***X Versus The State of Uttar Pradesh and another***” and ***Criminal Appeal No.632 of 2022***, titled as “***Jagjeet Singh and others V. Ashish Mishtra @ Monu and another***”.

4. Per contra, learned counsel for respondent No.2 submits that the bail application was heard with the participation of the learned Additional Public Prosecutor, who represented the State and opposed the prayer. It is



contended that there is no statutory mandate requiring issuance of individual notice to the complainant at the stage of consideration of anticipatory bail, and that in any event, no prejudice has been demonstrated. Moreover, the judgments relied upon by the learned counsel deal with the mandate of law as envisaged under 439(1A) of Cr.P.C., per which the presence of the informant or any person authorized by him or her is obligatory at the time of hearing of the application for bail to the person under sections 376(3), 376 AB, 376 DA or section 376 DB of the IPC. However, the petitioner has charged under neither of these offences by the investigating agency. It is further submitted that the accused has joined investigation, complied with all conditions, and has not misused the liberty granted. It is the further submission that much water has flown since the passing of the impugned order, as the final report stands presented before the learned trial Court, which had thereupon admitted respondent No.2 on regular bail, which order has not been assailed by the learned counsel for the petitioner.

5. Learned counsel for the State confirms that the accused-respondent had duly cooperated in investigation, and that the challan stands presented in the instant case.

6. Heard.

7. At the outset, it may be noted that all the zimni orders passed in the bail proceedings have not been placed on record so as to conclusively ascertain whether or not a formal notice was issued to the complainant at the initial stage. However, the impugned order itself records that the learned Additional Public Prosecutor was assisted by learned counsel for the complainant while opposing the bail application. The order thus reflects that



the said application was duly contested on behalf of the complainant, pursuant to which the impugned order was passed. Be that as it may, even assuming for the sake of argument that no separate notice had been issued to the complainant, the record unmistakably shows that the bail application was contested by the State through the learned APP, who duly represented the interests of the complainant/victim. and highlighted the seriousness of allegations and necessity of custodial interrogation. In such circumstances, it cannot be said that the impugned order was passed in vacuum or without hearing the prosecuting agency. Mere absence of an independent or separate notice to the complainant, in the facts of the present case, would not by itself render the order granting anticipatory bail illegal so as to warrant its cancellation, particularly in the absence of demonstrable prejudice.

8. It is well settled that cancellation of bail stands on a distinct footing from refusal of bail at the threshold. Once bail has been granted by a competent Court after considering the rival submissions, it can be cancelled only upon showing supervening circumstances such as misuse of liberty, interference with investigation, tampering with evidence, intimidation of witnesses; or on the ground that the the order is manifestly perverse or passed in gross disregard of settled principles. The petitioner has not brought to the notice of this Court any material indicating that subsequent to grant of anticipatory bail, respondent No.2 has violated any condition, attempted to or influenced the petitioner, or obstructed the course of investigation. On the contrary, it is not disputed that he joined investigation and that the challan has since been filed.

9. Furthermore, the contention that the accused projected a false picture of consensual relationship, pertains to the merits of the prosecution



case, which shall be adjudicated upon in the due course of the trial.

10. In view of the foregoing discussion, this Court is of the considered opinion that no ground are made out to interfere with the order granting anticipatory bail, since the learned court concerned had, after taking into consideration and duly recording the allegations levelled and submissions made, formed a view that custodial interrogation of the accused was not required at that stage. Such a view, even if debatable, cannot be termed perverse or arbitrary so as to justify cancellation in the absence of supervening circumstances.

11. Accordingly, the instant petition stands dismissed.

12. However, it is made clear that nothing contained hereinabove shall be construed as an opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

February 26, 2026
Iti/esh

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