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

**CRM-M-16875-2025
Date of Decision: 02.04.2025**

Divyansh Jain

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.59 dated 13.02.2025 under Sections 69 and 316(2) BNS, registered at Police Station Murthal, District Sonapat.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner is in custody for about a month and the investigation of the case has already been completed and challan has also been presented before the competent Court. He further submitted that it is a case where the allegations against the petitioner are that he on the pretext of marriage had entered into a physical relationship with the complainant fraudulently and thereafter, he resiled from the marriage and therefore, the present FIR was got lodged against the petitioner. He also submitted that the entire FIR was a concocted story made by the complainant and in this regard, he further submitted that the petitioner is a boy of the age of 24 years and the



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complainant is a major girl of the age of 21 years and while referring to the contents of the FIR, he submitted that in the entire FIR when she had stated the sequence of events, it was rather so stated by her that a promise to marriage was made and even a *Roka* ceremony was proposed and it was only after the families had met with each other and the marriage was finalized that as per the allegation itself they entered into a physical relationship. He further submitted that it is not a case even as per the complainant that from the inception level there was any element of deceit on the part of the petitioner and had it been so then the situation would have been otherwise. He submitted that in this way in fact at the time when the marriage was to take place a dispute arose between the parties and because of that it could not be materialized and therefore, in order to abuse the process of law and taking the advantage of law, the present FIR was lodged. He also submitted that since the investigation of the case has already been completed and the petitioner being a young boy of the age of 24 years, who has just passed out from the college and having no bad antecedents, he may be considered for grant of regular bail especially in view of the fact that remaining in further custody, will hamper his future and career aspects as well.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and the petitioner is in custody for one month and it is also correct that after completion of the investigation, the challan has been presented by the police before the competent Court on 08.03.2025. He further submitted that none of the witnesses have been examined because the matter has been sent to learned Sessions Court for committal and therefore, the charges have not been framed yet. He also submitted that the petitioner on the



false pretext of marriage had entered into a physical relationship with the complainant and therefore, he is not entitled for grant of regular bail.

4. I have heard the learned counsels for the parties.

5. The custody of the petitioner has come out to be one month but at the same time as per both the learned counsels for the parties, the investigation of the case has already been completed and challan has also been presented before the competent Court. The allegations against the petitioner as alleged by the complainant were pertaining to first entering into relationship of friendship with each other and after the families had met with each other and the marriage was to be solemnized then thereafter, they entered into a physical relationship with consent. The only allegation of the complainant as per the FIR was that the marriage was thereafter not solemnized and the petitioner had fraudulently entered into a physical relationship on the pretext of marriage. It was the argument of learned counsel for the petitioner that the element of fraud or deceit was not from the inception level even as per the complaint and FIR itself and therefore, the offence under Section 69 of BNS was not made out. Learned counsel for the petitioner has also argued that in fact it was at the later stage that some financial dispute arose between the parties and the marriage could not take place between the parties.

6. This Court after considering the aforesaid submissions made by both the learned counsels for the parties, perusing the FIR and also the sequence of the events so stated in the FIR itself and the fact that the investigation of the case has already been completed, is of the considered view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed and the petitioner is ordered to be released on



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regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

02.04.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |