



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

(274)

CRM-M-45388-2025

Date of Decision: 13.10.2025

Rahul Alias Rahul Ram

.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner, in case FIR No.73 dated 28.06.2025, under Sections 64(2)(m) and 69 of BNS, registered at Police Station Women Police Station, Sirsa, District Sirsa.
2. Vide order dated 21.08.2025, while issuing notice of motion, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner, in case FIR No.73 dated 28.6.2025, under Sections 64(2)(m) and 69 of BNS, registered at Police Station Women Police Station, Sirsa, District Sirsa.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the instant case on the statement of the complainant, levelling allegations of establishing physical relations on the false pretext of marriage. It is submitted that in fact, the petitioner and the complainant were in a long standing consensual relationship. There was neither any coercion, fraud or misrepresentation, including any false promise of marriage, on the part of the petitioner any point in time to obtain consent for the relationship. Rather, it is pointed that the



complainant has also moved similar complaints against different individuals, levelling similar allegations.

*It is further submitted that there is an unexplained delay of over 5 months in the registration of the FIR, if computed from the date of last alleged incident as per the FIR. To buttress his submissions, learned counsel has placed reliance on the judgment of Hon'ble Supreme Court passed in **Ansar Mohammad V/s State of Rajasthan and another 2022 SCC Online SC 886**. Reference is also made to the observations given by the Apex Court in the case of **Mahesh Damu Khare Vs. The State of Maharashtra**, passed in **Special Leave Petition (Crl.) No. 4326 of 2018**, whereby it was held that for offence of rape on false promise to marry, physical relationship must be shown to be only based on promise of marriage.*

Notice of motion.

Ms. Saumya Ahluwalia, Sr. DAG Haryana waives service of notice on behalf of respondent-State and prays for some time to file reply. It is submitted that since serious allegations have been levelled against the petitioner, therefore, he is not entitled to the concession of anticipatory bail.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

Reverting to the case in hand, prima facie the petitioner and the complainant were having a long standing consensual relationship. All the contentions made herein including the averment with reference to false promise of marriage, are disputed questions of facts, which shall be determined during the course of trial.



In view of the above, the petitioner is directed to join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

Adjourned to 13.10.2025.

It is made clear that nothing contained hereinabove shall have any bearings on the merits of the case, lest it may prejudice the trial.

In the meantime, learned counsel for the petitioner is directed to implead as a necessary party-respondent.”

3. Learned State counsel has filed reply by way of an affidavit of Rajesh Kumar, HPS, Deputy Superintendent of Police (Sadar & CAW), Sirsa on behalf of respondent-State of Haryana today in Court, which is taken on record. He, on instructions from the investigating officer concerned, submits that in compliance of order of this Court dated 21.08.2025, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 21.08.2025 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be



confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).

7. The accused-petitioner(s) 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 or her from disclosing such facts to the Court or to any police officer.

8. The accused-petitioner(s) shall not leave India without prior permission of the Court.

9. The accused-petitioner(s) shall join the investigation as and when called by the police.

10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

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

(KIRTI SINGH)
JUDGE

October 13, 2025
Anjal

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