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**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13870-2026

Date of Decision: 11.05.2026

Himanshu Tanwar

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Abhimanu Jangra, Advocate,
for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

Ms. Sonia, Advocate **(Through VC)** for
Ms. Sanjana Antil, Advocate,
for the complainant.

Neerja K. Kalson, J.

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail to the petitioner in case FIR No. 08 dated 05.01.2026, registered under Sections 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Badshapur, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case arising out of a consensual relationship between two mature adults which subsequently turned sour. It has been argued that the prosecutrix herself is a married woman having a child and, therefore, *prima facie*, the ingredients of Section 69 BNS are not attracted, as during the subsistence of her marriage, she was legally incapable of entering into another valid marriage.



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3. Learned counsel further submits that there is an unexplained delay of approximately seven months in lodging the FIR, inasmuch as the last physical relationship is stated to have taken place in May, 2025 whereas the FIR came to be registered on 05.01.2026. It has further been contended that the WhatsApp chats and screenshots annexed at Annexure P-5 *prima facie* reveal that the relationship between the parties was consensual in nature and that it was the prosecutrix herself who eventually chose to discontinue the same.

4. It is also argued on behalf of the petitioner that the medical evidence does not lend support to the prosecution case, as no external or internal injuries suggestive of sexual assault were found. Learned counsel submits that the investigation already stands completed, the challan has been presented and no recovery remains to be effected from the petitioner, who has been in custody since 09.01.2026. It has also been pointed out that though the prosecutrix has filed a protest petition before the learned trial Court, she herself is not pursuing the same for the last several dates. Reliance has further been placed upon the judgment of the Hon'ble Supreme Court in ***Pramod Kumar Navratna v. State of Chhattisgarh and others*** **2026 LiveLaw (SC) 118**, wherein it was observed that consensual relationships which subsequently fail or turn unsuccessful cannot, by themselves, be permitted to assume the colour of criminal prosecution.

5. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer for grant of regular bail and submits that the petitioner had deliberately concealed his marital status and



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falsely projected himself as unmarried, thereby inducing the prosecutrix to enter into a physical relationship on the false assurance of marriage. It has been argued that the prosecutrix was emotionally vulnerable owing to her matrimonial disputes and the petitioner exploited such vulnerability by emotionally manipulating her and thereafter repeatedly subjecting her to physical relations under deceitful inducement.

6. It has further been contended on behalf of the State that the allegations against the petitioner are grave in nature, involving not only sexual exploitation but also intimidation, blackmailing, extortion and threats to circulate intimate photographs and videos of the prosecutrix. Learned State counsel submits that the statement of the prosecutrix recorded under Section 183 BNSS, as well as the electronic evidence collected during investigation, *prima facie* support the prosecution version. The delay in lodging the FIR has been explained on the ground that the prosecutrix remained under fear, emotional trauma and continuous intimidation owing to threats allegedly extended by the petitioner. It is, thus, argued that considering the seriousness of the allegations and the likelihood of influencing witnesses or tampering with electronic evidence, the petitioner does not deserve the concession of regular bail.

7. I have heard learned counsel for the parties and have gone through the paper-book with their able assistance.

8. Admittedly, both the petitioner and the prosecutrix are mature adults, stated to be about 38 and 37 years, respectively, and both were already married at the relevant point of time. The material on record further



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indicates that the parties remained in a relationship over a considerable period of time and continued to remain in communication with each other. Whether the consent of the prosecutrix stood vitiated on account of deception from the very inception, or whether the relationship subsequently deteriorated owing to personal and emotional differences, would necessarily require a detailed appreciation of evidence during the course of trial.

9. This Court also cannot lose sight of the fact that the FIR came to be lodged after a considerable lapse of time from the last alleged incident. The prosecution has sought to explain such delay on account of intimidation and emotional trauma. The evidentiary value and effect thereof would, however, again be matters to be examined during the course of trial.

10. At the stage of consideration of bail, the Court is not expected to conduct a meticulous appreciation of evidence or record any conclusive finding upon the merits of the allegations. The investigation in the present case already stands completed, the challan has been presented before the competent Court, and no recovery remains to be effected from the petitioner. The petitioner has been in custody since 09.01.2026 and the trial is not likely to conclude in the near future.

11. Keeping in view the nature of the allegations, the period of custody undergone by the petitioner, completion of investigation, presentation of the challan, and the fact that the trial is likely to consume considerable time, this Court is of the considered opinion that the further incarceration of the petitioner would not serve any useful purpose, at this stage.



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12. Accordingly, without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

13. Pending applications, if any, also stand disposed of.

11.05.2026
SN

(NEERJA K. KALSON)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No