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

CRM-M-34388-2026 (O&M)
Date of decision: 26.06.2026

Nitin Bhati ....Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

CRM-25614-2026

Allowed as prayed for.

CRM-M-34388-2026

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 case bearing FIR No.205 dated 29.04.2026 under Sections 74/115(2)/351(3)/3(5) (Sections 191(1)/191(2)/126(2)/123 added later on) of BNS (354/323/506/146/147/341/328 of IPC) registered at Police Station Sector 65 Gurugram, District Gurugram.

2. The FIR *(supra)* was registered on the allegations that the complainant was offered a drink at the Elite 66 Club, whereafter, she felt dizzy and suspected that some intoxicating substance had been mixed in it. It is further alleged that the petitioner, being the owner of the club, approached her and touched her inappropriately despite her objections. It is also alleged that

the female bouncers assaulted her and her male friends and her mobile phone was taken away. It is further alleged that she was wrongfully restrained and threatened and was forced to falsely state that she was under the influence of some intoxicating substance.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The petitioner is neither the owner nor the proprietor of the club in question but was merely an employee working therein. The foundational ingredients of the offence under Section 123 of the BNS are not made out, as the complainant refused to undergo medical examination and there is no other forensic or medical evidence to establish the administration of any intoxicating substance. The CCTV footage and the DVR pertaining to the alleged incident have already been handed over to the jurisdictional police authorities and, as such, it is not a case requiring custodial interrogation. The petitioner is behind bars since 15.05.2026. He has no past criminal antecedents, has strong roots in society and is not a flight risk.

4. The learned State counsel has filed custody certificate in the Court today which is taken on record and *per contra*, opposes the grant of regular bail to the petitioner on the ground that the petitioner was specifically named in the FIR *(surpa)* and specific allegations have been levelled against the petitioner, as such, he is not entitled to any relief.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that there is no medical or forensic evidence to

attract the offence under Section 123 of BNS. Further, the CCTV footage and DVR has already been handed over to the Investigating Agency by the petitioner. The petitioner is behind the bars since 15.05.2026 and he is a first time offender. Investigation is complete. The final report under Section 193 of BNSS (earlier Section 173 of Cr.P.C.)was presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

6. In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Nitin Bhati, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

26.06.2026
Neha

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