

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

CRM-M No. 33554 of 2014 (O&M)
Date of decision: 08.01.2015

Sunil Sagar @ Sunny

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.P.S. Chakkal, Advocate for the petitioner.

Mr. A.S. Gill, Advocate for UT Chandigarh.

Complainant in person with
Mr. Karanvir Nanda, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.189, dated 08.07.2014, registered under Sections 376 and 420 IPC, at Police Station Sector 36, Chandigarh.

It is contended that the complainant at the time of alleged sexual intercourse was major and consenting party. The complainant is a lady of easy virtue and has filed a similar FIR bearing No. 150 dated 15.09.2011 (Annexure P-2), which ended in the acquittal of the nominated accused therein. In pursuance of the order dated 11.11.2014, passed by this Court, the petitioner has joined the investigation and he never misused the concession of bail or threatened the complainant.

On the other hand, the learned counsel for the complainant submits that the petitioner committed rape upon the complainant on the pretext to marry her. He repeatedly threatened her to withdraw the complaint.

The learned State counsel states that the petitioner has joined the investigation and is not required for custodial interrogation.

The fact that the complainant is major and she filed a similar FIR (Annexure P-2) is not disputed. The complainant while appearing before this Court at one stage agreed to withdraw the FIR/complaint, in case, she is paid Rs. 3 lacs. The complaint, moved by the complainant alleging threat to her life and liberty was enquired into by the police and as per the report, no substance was found against the petitioner. The report is taken on record as Mark-A.

Keeping in view the fact that petitioner has joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 11.11.2014, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

08.01.2015

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(JITENDRA CHAUHAN)
JUDGE