

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

**CRM-M-131-2016 (O&M)
Date of decision : 10.03.2016**

Neeraj Kumar

.....Petitioner(s)

versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Manish Soni, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

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ANITA CHAUDHRY, J(ORAL)

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 40 dated 02.12.2015, registered under Sections 376 IPC, Police Station Women, Sector-51, District Gurgaon.

Counsel for the petitioner states that the petitioner was directed to join the investigation and since the police was not joining the petitioner, therefore, they had approached the Illaqa Magistrate. The counsel has placed on record copy of the orders.

Heard.

The allegations levelled by the complainant were that the accused on the assurance of to marriage, developed physical relations and took her to a hotel about one and a half month ago and the complainant had conceived and the petitioner was refusing to marry her. The police had registered the FIR on this complaint.

Counsel for the petitioner contends that the complainant's family were tenants in their other house and when they were evicted, a false FIR was got registered. The counsel further contends that a case had been registered against the mother of the complainant under the Immoral Traffic Act and she had remained in jail for 10 months and they

were demanding money and the case was false.

The State counsel affirms that the mother of the complainant was booked under the Immoral Traffic Act.

Looking to all these circumstances, but without commenting on the merits of the case, the petition is allowed and order dated 07.01.2016 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

(ANITA CHAUDHRY)
JUDGE

10.03.2016
Sunil