

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

Crl. Misc. M 2228 of 2017 (O&M)
Date of decision: 27.9.2017

Rahisu

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Karan Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Sanjiv Kumar, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

Crl. Misc. No.31132 of 2017

For the reasons stated in the application, the same is allowed
and the applicant/complainant is ordered to be impleaded as respondent
No.2. Amended memo of parties is taken on record.

Crl. Misc. No.31133 of 2017

The application is allowed. Annexure R/1 is taken on record.

Main case

This petition has been filed under Section 438 of the Code of
Criminal Procedure seeking for anticipatory bail in FIR No. 7 dated
4.1.2017 registered under Sections 365 and 376 IPC at Police Station

Kundli, Sonipat .

The facts, in brief, are that on 26.11.2016 at about 4/4.30 p.m., the petitioner went to village Sabauli and told to the complainant that his vehicle had broken down and he needed some money to get it repaired and asked the complainant to give him ₹1000-1500/-. The complainant told her that she does not have money at home but she could arrange for it. On this, the petitioner told the complainant that he was going nearby the vehicle and she should bring money there. It is alleged that since the petitioner was the real brother-in-law (Sala) of complainant's brother, therefore, she believed his statement and when she went to the village pond to hand over the money, as demanded, the petitioner pushed her into the car bearing No. HR 26 AB 3299, put a cloth on her face and took her to an unknown place and committed rape against her will. The petitioner threatened the complainant that in case she disclosed to incident to anyone, he would kill her and her family.

It is further alleged that on the next date i.e. 27.11.2016, the petitioner took the complainant to Sonipat and called his relatives, Sattar and Irshad, and told the complainant that she will be taken to the police station where she should admit that she accompanied the petitioner of her own consent. In the police station, a policeman took the complainant's signatures on many papers. It is alleged that the complainant signed the papers because of the threats given to her. Thereafter, upon reaching her parental home, the complainant disclosed the entire episode to her family members and her husband, who asked her to report the matter to the police and thereafter she got lodged the aforesaid FIR.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. In fact, there is delay of 39 days in registration of the FIR and the complainant is the relative of the petitioner and she accompanied him out of her own consent and the allegations of rape have been levelled only to extract money from the petitioner. It is further submitted that the complainant herself has admitted that she went out of her matrimonial home because of the ill-treatment meted out to her by her husband.

On the other hand, learned counsel for the State, while opposing the prayer, argues that there are specific allegations levelled against the petitioner. The petitioner had called the prosecutrix on the pretext of giving money to him and then taking advantage of her loneliness, forcibly took her to an unknown place and committed rape upon her against her wish.

Learned counsel for the complainant submits that the petitioner in order to pressurize the complainant and her husband not to pursue the case, had falsely got lodged FIR No. 20 dated 22.3.2017 under Sections 323, 506, 498-A, 376 and 511 IPC against the husband of the complainant through his sister-in-law Saina, in which the husband of the complainant has been found innocent in the final report submitted under Section 173 of the Code of Criminal Procedure. This fact is enough to prove that the petitioner was involved in the commission of offence for which FIR was lodged and now he is trying to pressurize to the complainant as well as her husband not to pursue the same. So much so even he misused the concession of interim

anticipatory bail granted to him and therefore, he does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties.

The plea of false implication at this stage cannot be ascertained. The complainant has made specific allegations of sexual assault having been committed on her. The car involved in the crime is yet to be recovered. The allegations so made are serious in nature.

In view of the gravity of the offence, this Court is not inclined to entertain this anticipatory bail. Therefore, this petition is dismissed. However, anything stated herein above would have no bearing on the merit of the case and if the petitioner appears before the trial court and seeks regular bail, his application would be decided on its own merit without being influenced by the dismissal of the present petition.

27.9.2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No