

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

CRM-M-3644 of 2017 (O&M)

Date of decision : 13.02.2017

Sunny @ Thomas

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : None for the petitioner (s).

Mr. Mehardeep Singh, Addl. A.G., Punjab

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in FIR No.294 dated 10.09.2016, registered under Sections 363, 366, 376 and 506 of the Indian Penal Code (for short 'the IPC') and Section 372 IPC and Section 4 of POCSO Act (added later on), at Police Station Zirakpur, SAS Nagar.

There is no representation on behalf of the petitioner.

False implication has been averred in the petition. As per record, complainant/prosecutrix-Anmol had been living with the petitioner with her own sweet will. Co-accused, Manohar Lal and Chand Rani have been admitted to bail by the trial Court. The petitioner is in custody since

10.09.2016. After the registration of the FIR, complainant had given undertaking (Annexure P-3) to withdraw her complaint.

On the other hand, the learned State counsel submits that the petitioner kept the complainant in a rented accommodation for 10-12 days on the false promise of solemnizing marriage with her and committed rape upon her. Moreover, the petitioner is already married.

I have heard the learned State counsel and carefully perused the entire file.

It has come in the statement of prosecutrix that the petitioner kept her in a rented accommodation and committed rape upon her. The petitioner took the prosecutrix to his mother at Jalandhar, where she came to know that the petitioner was already married. Petitioner, being already married person, committed rape upon the complainant and gave false promise of solemnizing marriage with her. In such circumstances, this Court does not find any ground to grant the relief sought by the petitioner.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

13.02.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No