

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

Crl. Misc. No. M-35119 of 2017

Date of Decision : February 06, 2018

Anil KumarPetitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. R.S.Rai, Sr. Advocate with
Mr. Karan Garg, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in
FIR No. 291 dated 03.09.2017 under Sections 376, 506 IPC registered at
Women Police Station, District Gurugram.

It is submitted that the relationship, if any, between the
petitioner and the complainant was entirely consensual. The petitioner has
been falsely implicated in the aforesaid FIR. As per allegations in the FIR,
the complainant was acquainted with the petitioner for about 1-1/2 year
prior to the registration of this FIR. It is stated therein that the prosecutrix
aged 25-26 years had accompanied the petitioner to a hotel at village Jharsa
on 05.08.2017 at about 7-8 P.M. It is alleged that rape was committed upon
her by the petitioner. The petitioner extended a false assurance of marriage.
The complainant accompanied the petitioner out of her own accord to
various places. It is alleged that later the complainant came to know that the

petitioner was married having two children as well. When the petitioner refused to marry the complainant, the present FIR was registered on 03.09.2017.

Learned senior counsel for the petitioner vehemently argues that no offence punishable under Sections 376, 506 IPC is made out against the petitioner in the facts and circumstances of this case. It is submitted that the petitioner has joined investigation. He undertakes to face proceedings and not abuse the concession of anticipatory bail if confirmed. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Rajpal, verifies that the petitioner has joined investigation and his custodial interrogation is not required. The petitioner is not reported to be involved in any other criminal case.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 21.09.2017 is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

06.02.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No