

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

Criminal Misc. No.M- 44561 of 2017(O&M)

Date of Decision: January 23 , 2018.

Raj Kumar @ Shanty

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Angraze Singh Dhindsa, Advocate
for the petitioner.

Mr. Ashok S.Chaudhary, Addl.AG, Haryana.

Mr. Munish Mittal, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0452 dated 30.10.2017 under Section 376 IPC, registered at Police Station Indri, District Kaithal.

It is submitted that the relationship, if any, between the petitioner and the complainant was entirely consensual. No offence punishable under Section 376 IPC is made out against the petitioner. Even as per allegations in the FIR, the complainant knew the petitioner for about four years prior to the

registration of FIR. It is further submitted that on 15.09.2017, the petitioner, who is working as Jr. Engineer, with the Karna Builders (P) Limited, Karnal, was present on duty. Reference is made to the attendance register and the certificate by the employer (Annexures P-2 and P-3). It is thus prayed that this petition be allowed.

Learned counsel for the complainant has vehemently opposed this petition. It is submitted that consent procured on false assurance of marriage is no consent. Moreover, the documents (Annexures P2 and P3) appear to be procured documents as they are issued by a private establishment. However, it is not denied that the complainant was on friendly terms with the petitioner about four years prior to the registration of the FIR in question. The complainant is admittedly major.

Learned counsel for the State submits that the petitioner has joined investigation pursuant to interim order dated 24.11.2017. The petitioner, it is verified, is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 24.11.2017 is made absolute.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant, any of her family members or witnesses in this case.

Any such infraction on the part of the petitioner may entail cancellation of his

bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 23 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No