

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

Criminal Misc. No.M- 704 of 2018(O&M)

Date of Decision: March 06 , 2018.

Monu PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.189 dated 02.12.2017 under Sections 328/354C/376(2)(N)/379A/342/506/34 IPC and Section 25 of the Arms Act, registered at Police Station Women, Rohtak.

As per the allegations in the FIR, the complainant aged about 24 years stated that she met the petitioner in the year 2015. Though no date was given, it is stated that the petitioner called up the complainant at MacDonald restaurant at Rohtak. He offered a cold-drink laced with some intoxicant. Physical relations were established. Thereafter, the petitioner assured her that he would marry her. It is also alleged that the petitioner had prepared her inappropriate video and threatened to upload the same on social media.

Allegation of the petitioner taking cash amount is also raised. It is stated that the

petitioner promised to marry her in December, 2017. He called up the complainant on 30.11.2017 asking her to take back the said video and the cash amount of ₹ 3,00,000/- which he had taken from her over two years. However, the petitioner's two brothers and mother as well as his aunt (Bua) beat her and compelled her to write that she had been with the petitioner out of her own wish. They threatened her that she would be killed if she revealed the incident to anyone. Allegations of her mobile phone, bag, jewellery etc. being snatched are also raised. She was thereafter left at the bus stand by the petitioner and neighbour Ashok. It is further stated that the complainant was upset since the last two years as the petitioner used to blackmail her. Action was thus prayed for.

Learned counsel for the petitioner submits that the relationship, if any, between the petitioner and the complainant was entirely consensual. It is a case of a relationship gone sour as admittedly the petitioner married one Anjali on 13.11.2017. The present FIR was lodged thereafter on 02.12.2017. Moreover, the petitioner has joined investigation and he undertakes to face the proceedings, cooperate with the Investigating Agency in all possible manner and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State submits that there are specific and serious allegations against the petitioner. However, it is verified on instructions from ASI Vijeta, that the petitioner has joined investigation and is not involved in any other criminal case.

Even as per the FIR, the complainant admittedly a major, had friendly relations with the petitioner since 2015. 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, it is considered just and expedient to allow this petition. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Arresting/Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant/prosecutrix, 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.

March 06 , 2018.
'om'

(LISA GILL)
JUDGE

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