

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10381-2018 (O&M)

Date of Decision:- 18.9.2019

Rahul

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bikram Chaudhary, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. S.K.Tripathi, Advocate, for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of FIR No. 36, dated 3.2.2018, registered at Police Station Chhansa, District Faridabad, under Sections 354, 376, 506 IPC.
2. The FIR was registered at the instance of prosecutrix wherein it has been alleged that during the months of November 2015 to March 2016, she had been preparing for physical fitness for the purpose of recruitment in Haryana Police and used to wake up early at 4 am. It is alleged that on one of these days, when she was to go for jogging,

then Rahul came there and placed his hands on the mouth of the prosecutrix and did not allow her to raise alarm and told her that he wanted to marry her. Although, the prosecutrix refused to marry him, said Rahul established physical relations with her forcibly and warned her not to disclose about anything to anyone failing which she would be killed and that he would not even let marry her anybody else. It is alleged that Rahul also obtained her phone number and used to call her and also send *WhatsApp* messages from his phone. It is further alleged that said Rahul while holding out a representation to marry the prosecutrix, continued to have physical relations with her and lastly it was on 1.10.2017 when they had physical relationship but subsequently he refused to marry her.

3. Learned counsel for the petitioner has submitted that in the present case the prosecutrix is a major and had voluntarily established physical relations with the petitioner and later on had been blackmailing the petitioner to marry her and in order to pressurize him, the present FIR had been lodged. Learned counsel has further submitted that in fact the prosecutrix had made a statement before ASI Sushila on 6.12.2017 wherein she has categorically admitted that she had friendly relationship with the petitioner and that she did not wish to initiate any legal proceedings against the petitioner.
4. Opposing the petition, learned State counsel, assisted by learned counsel for the complainant, has submitted that since the petitioner is specifically named in the FIR wherein specific allegations of rape have also been levelled, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court. A perusal of the FIR would show that while in the first instance the petitioner is alleged to have established physical relations with the prosecutrix forcibly but subsequently the prosecutrix appeared to have been having physical relations voluntarily as the petitioner had held out a promise of marrying her. Since the allegations in respect of the first instance of physical relations, in any case would constitute an offence of rape, this Court does not find any special case for grant of anticipatory bail.
6. The petition is sans any merit and is hereby dismissed.

September 18, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No