

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-15069 of 2019 (O&M)
Date of decision : May 14, 2019

Dheeraj

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amardeep Sheoran, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State
Mr. Johan Kumar, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Dheeraj has sought anticipatory bail in case bearing FIR No. 20 dated 20.2.2019, under Sections 498-A, 354-A, 354-D, 328, 506, 376, 120-B IPC and Sections 24,54,59 of Arms Act, Police Station Women, Palwal, which has been got lodged by a girl aged around 19 years (also stated to be around 21 years).

The complainant has alleged that she was a student of JBT Course in a College where the petitioner too happened to be her

college-mate and often used to have roving eyes on the complainant regarding which matter was brought to the notice of the College Management. It is alleged that on 21.1.2015, the petitioner met the complainant and offered a cold drink and on consuming, the complainant claims that she became unconscious and subsequently found herself in a naked state in a room and discovered that she has been defiled and the petitioner is alleged to have shot her video in a compromising position and threatened her to upload on the web. On this threat and pressure, the complainant claims that she was taken away by the accused-petitioner to Delhi and performed marriage with her in a Temple and during the intervening period has been ravaging her as well leading to the registration of the present case.

Counsel for the petitioner Mr. Amardeep Sheoran has argued that both the petitioner as well as the complainant are major known to each other and had been in a relationship whereby the girl has voluntarily entered into wedlock with him and therefore, it is subsequent thereto the present case has been got registered at the behest of the parents falsely.

Learned State counsel, Mr. Baljinder Virk, DAG, Haryana assisted by SI Heramani, PS Women Palwal and Mr. Johan Kumar, Advocate, for the complainant though do accept the facts that have

come in the submissions of the petitioner's side but has opposed the bail on the grounds that the petitioner had fleeced and by threat and coercion misused a young unmarried girl and thus, was not entitled to the concession of anticipatory bail.

Going through the submissions, a perusal of the records of the police and is also accepted by the learned State counsel the photographs of the complainant and the petitioner, marriage certificate and subsequent petition by the girl for restitution of conjugal rights are illustrative of this relationship. Without feeling the necessity to further advert on to the merits together with the inordinate delay in lodging FIR and the fact that the complainant had been roaming about with the petitioner for a long time, a debatable issue arises over the veracity of the allegations. Joining of the petitioner with the investigations would suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted

to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

May 14, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No