

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26592 of 2019

Date of decision: 12.6.2019

Meharban Singh

.. Petitioner

v.

State of UT, Chandigarh

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kulwinder Singh Rathour, Advocate for the petitioner.

...

AVNEESH JHINGAN, J. (Oral)

The present petition has been filed for grant of anticipatory bail in case FIR No. 37 dated 7.2.2019 registered under Sections 354-D, 376 and 504 of the Indian Penal Code, 1860 at Police Station Central 17, Chandigarh.

The FIR was registered against the petitioner on the statement of Amandeep Kaur. The allegation made was that she was in relationship with the petitioner in the year 2014 and at that time they stayed together at different places in Chandigarh and Mohali. Later on, she realised that the petitioner was married but by that time he had taken the advantage of relationship and clicked certain indecent photographs. The complainant got engaged with Gurwinder Singh in the year 2017. Thereafter the petitioner again insisted that she should meet him. She went to Aqua Marina Aroma, Sector 22, Chandigarh where she was raped and certain more photographs were clicked. The allegation is that thereafter the petitioner started making certain demands by threatening to disclose the relationship and the material available with him to the husband of the complainant.

Learned counsel for the petitioner argues that the complainant had taken financial help from the petitioner which she failed to repay and a case was filed under Section 138 of the Negotiable Instruments Act, 1881. The FIR was a counter-blast on receiving the notice by the complainant in the case filed by the petitioner. He prays that anticipatory bail be granted to the petitioner.

Heard learned counsel for the petitioner and perused the paper book.

No case is made out for extending the benefit of anticipatory bail. The allegations are serious in nature. As per the complainant, not only she was raped but her photographs were clicked which were being used for extortion purposes. There is nothing forthcoming as to how and in what capacity the financial help was extended by the petitioner to the complainant. In such circumstances, it virtually amounts to admission of the petitioner with regard to his relationship with the complainant. Merely because Section 138 of the Negotiable Instruments Act, 1881 has been invoked prior in time by the petitioner itself would not be a ground to exercise discretion for grant of anticipatory bail.

Accordingly, the present petition is dismissed. It is, however, clarified that nothing said in the order shall be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

12.6.2019
mk

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