

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-33192 of 2019 (O&M)
Date of decision : September 11, 2019

Sandeep Kaushik

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rajesh Lamba, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State with
SI Sunita, PS Women, Ballabgharh

Fateh Deep Singh, J. (Oral)

In this first anticipatory bail application under Section 438 of the Code of Criminal Procedure filed by accused Sandeep Kaushik, allegations have come about by a young married lady then student of M.Sc. Final year.

In her allegations, the complainant alleged that she came across the accused-petitioner and with his impressive talk had taken in the complainant and her family with the intend to start a business

together and on this pretext the complainant claims that the accused had been drawing money from her which are fully detailed in the allegations. After some time of this, the accused approached the complainant to enter into a wedlock and on this fraudulent misrepresentation and promise entered into physical relations with the complainant. Subsequently, it was revealed that the accused-petitioner was married man and on the basis of which the present case was got registered.

Mr. Rajesh Lamba, counsel for the petitioner has submitted that initially the complainant has got recorded a DDR entry and subsequently the FIR has come into being at a different place and in sharp contradiction to the DDR entry and it was submitted that the prosecutrix is major and has volunteered into this relationship and to dupe him of his wealth had filed a false case and even a complaint under Section 138 of the Negotiable Instruments Act and nothing is to be recovered and therefore, the petitioner is entitled to relief.

Mr. Baljinder Virk, DAG, Haryana assisted by SI Sunita, PS Women, Ballabgarh have opposed the bail application on the grounds that custodial interrogation of the petitioner is essential as he is habitual cheater and had initially deceived the complainant of

her money regarding which complaint under Section 138 of the Negotiable Instruments Act has been filed by her and further had developed physical relations with her on the pretext of marriage and therefore, in view of heinousness of the offence disentitles to any relief.

The arguments of the counsel for the petitioner Mr. Rajesh Lamba that allegations have been filed in Delhi as well as in Faridabad on the same very occurrence apparently appears to be quite misconceived in the light of what has been pointed out are different occurrences. More-so, first is only a DDR entry and worth of the same would be adjudicated at the time of the trial. Furthermore as is there in the submissions, the accused initially deceived the complainant by making her invest in a business and which is further strengthened from the complaint under Section 138 of the Negotiable Instruments Act and filed by the present prosecutrix against the petitioner. The subsequent act of the petitioner in deceiving the complainant an unmarried girl and cheating her on the fraudulent pretext of marriage when he was already fully aware of his marital status are matters which casts aspersions on the credentials of the accused-petitioner. In the light of seriousness of the allegations and heinousness of the offence, no cause for grant of

anticipatory bail to the petitioner is made out as his custodial interrogation is very much essential. The present petition thus stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

September 11, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No