

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

CRM M-34044 of 2019

Date of Decision: August 27, 2019

Sumit Kumar

.....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Ripu Daman, AAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The petitioner has come up for regular bail in
case bearing FIR No. 388 dated 31.05.2019 under Sections
328, 34, 376(2) IPC, Police Station Model Town, Panipat.

The present case was got registered by a girl

aged around 18 years alleging that while she was in a college, she came across the petitioner and both of them started talking on the phone. The complainant claims that the accused created trust in himself and one day took her to his home and offered her cold drink and on drinking the same, she felt dizziness and, thereafter, the accused had defiled her and alleged to have clicked her photos in a compromising position and on that pretext had blackmailed her in submitting to his physical desires and also faked a marriage in a Mandir and, therefore, the present case was got registered.

Mr. Pankaj Bali, learned counsel for the petitioner has submitted that the petitioner is behind the bars and has placed reliance upon the photographs numbering 6 (Annexure P-2 Colly.) to claim that the couple being grown up have married with each other and that it was a matrimonial dispute, which has been given effect of a rape.

Mr. Ripu Daman, AAG, Haryana learned State counsel assisted by ASI Balkar Singh has apposed the relief on the grounds that it is the under the deception and subsequent blackmailing, the accused deceived in defiling the complainant and if allowed bail, he would certainly influence the investigations and the trial.

In the light of what has been argued and as is there on the records, no doubt, the accused and the prosecutrix are major, however, as per the allegations of the girl, she was made to consume intoxicant in the drink and, thereafter, defiled and her objectionable photos clicked. The same was, subsequently, used to blackmail her and, therefore, this sleaze has lead to her repeated defilement. In the light of this, mere photographs placed on the record are no apparent proof of legality and validity of the marriage and in the absence of any substantial proof/certificate of marriage. The apprehension of the State that if allowed bail,

the petitioner might influence the investigation at the trial is not unfounded. This Court in the light of the allegations is not inclined to grant bail.

Dismissed at this stage.

August 27, 2019

amit rana

**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No