

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

CRM-M-35981-2019 (O&M)
Date of Decision:- 4.12.2019

Jyoti Parkash Gupta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shiv Kumar, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana,
assisted by SI Sunita.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Jyoti Parkash Gupta, seeks grant of anticipatory bail in a case registered vide FIR No.75, dated 12.6.2019, registered at Police Station Women Ballabgarh, District Faridabad, under Sections 376, 506, 313 IPC.
2. Mr. Rajesh Lamba, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.
3. The FIR was lodged at the instance of the victim wherein it has been alleged that she had lost her husband about 9 years back and is

having two children from her marriage. It is alleged that in the year 2015, she came in contact with the petitioner who represented that he is going to start his software business and suggested to the complainant that she could work with him. It is alleged that she was employed by the petitioner on 6.12.2017 on salary @ ₹ 25,000/- per month. It is further alleged that the petitioner represented that he remained disturbed on account of his wife and was going to get his marriage dissolved and proposed to the complainant that he wished to marry her and that he would also take care of her children. It is alleged that the petitioner in this manner allured her into developing physical relations with him which continued and during the said period she also got pregnant thrice but the pregnancy was got terminated. It is further alleged that subsequently the petitioner's wife threatened to get her killed. It has thus been alleged that the petitioner while holding out a false promise of marrying her, had established physical relations with her and has thus deceived her.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR it is evident that the complainant is a matured lady who had willingly established consensual physical relations with the petitioner but it appears that subsequently on account of some differences she has chosen to lodge the present FIR.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that it is apparently a case where the petitioner established physical relations while holding out

a false representation of marriage which in fact he never solemnized, as he was already married. It has further been submitted that since apart from the physical relations it is a case where the petitioner forced the complainant to abort three of her pregnancies, no case for grant of anticipatory bail is made out. The learned State counsel has however, informed that pursuant to the interim directions issued by this Court, the petitioner has since joined investigation.

6. Having regard to the facts and circumstances of the case, this Court finds that it will certainly be debatable as to whether the complainant was deceived into establishing physical relations with the petitioner or as to whether she had voluntarily chosen to have such physical relations with the petitioner. In any case since the petitioner has already joined investigation, custodial interrogation of the petitioner is not required. The petition, as such, is accepted and interim directions issued vide order dated 30.8.2019 are made absolute subject to the condition that the petitioner shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

December 4, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No