

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

CRM-M-38886-2019

Date of decision:12.12.2019

SHYAM SINGH @ BILLU

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kamal Mor, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
assisted by ASI Santosh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.250 dated 26.6.2019 registered under Sections 323, 376, 406, 498-A & 506 IPC, Police Station Rai, District Sonipat.
2. The FIR was lodged at the instance of prosecutrix wherein it has been alleged that her marriage was solemnized with Naveen Kumar on 1.12.2016 and that her husband who was working as Veterinary Doctor used to come home once in a week on the ground that he is working in private sector. Later, when the prosecutrix expressed herself as regards her emotional requirements then her in-laws told her that they would open a hospital for which they require an amount of ₹10 lakhs and as on date they have only ₹4 lakhs with them and needed ₹6 lakhs more and told the

prosecutrix to bring the said amount from her father. It is alleged that Naveen Kumar left the prosecutrix at her parental home on 5.2.2017 to arrange the said amount. It is also alleged that on 12.4.2017, the husband of the prosecutrix took her to Rohini to the house of his sister namely Sunita. However, Sunita's husband namely Billu (petitioner) was having evil eye on her and molested her. Although the prosecutrix objected to the same and also complained about the same to her husband but he turned blind to the same. It is further alleged therein that on 20.4.2017, she was raped by the aforesaid Billu.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case mainly on account of the fact that the prosecutrix was having some matrimonial discord with her husband Naveen Kumar and that when the statement of the prosecutrix in terms of Section 164 Cr.P.C. was recorded, she has not levelled any allegations in respect of alleged rape.
4. Opposing the petition, learned State counsel has not disputed the fact that the complainant in her statement recorded in terms of Section 164 Cr.P.C. has not levelled any allegations of rape against the petitioner. It has, however, been informed that the petitioner has joined investigation.
5. Having regard to the facts and circumstances of the case and bearing in the mind that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has not stated even a word with regard to alleged rape and that the petitioner has already joined investigation, his custodial interrogation is not warranted. Accordingly, the petition is accepted and the interim

directions issued vide order dated 12.9.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

12.12.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**