

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

**Criminal Misc. No. M-42719 of 2019 (O&M)**  
**Date of decision : November 25, 2019**

Aanjaney Nath @ Aajaney Nath

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. RS Rai, Senior Advocate with  
Mr. Deepinder Brar, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State with  
ASI Gyander Singh, PS DLF Phase I, Gurugram

**Fateh Deep Singh, J. (Oral)**

The prosecution allegations have come about from 23 years old unmarried Spanish girl working in Gurugram. The complainant alleged that on 12.6.2019, she was scanning net for enabling her to hire an apartment through FB groups. The accused offered her one and for the same invited the complainant to his house on 13.6.2019 where party was going on. It is during the intervening night of 13/14 June, 2019, the complainant states that

the accused started kissing her and thereafter both of them went upstairs to his room where the accused tried to force himself upon the prosecutrix. She tried to stop him from doing so. On insistence by force the accused ensured that the prosecutrix remained there for the night and when by his obscene acts the prosecutrix felt uncomfortable she tried to leave but the accused closed the door and took her phone by force and thereafter ravaged her against her wishes. The complainant claims that she smartly managed to hoodwink the accused and along with him came out of the apartment and thereafter lodged the complaint leading to her medical examination and arrest of the accused on 15.6.2019.

Learned senior counsel for the petitioner has argued that the prosecutrix happens to be a major and had volunteered into this consensual relationship for which the counsel has sought to highlight CCTV footage of ingress and outgress from the dwelling unit submitting that the petitioner has been falsely implicated and there is no positive sign of rape.

Learned State counsel has opposed the bail on the grounds that the accused a grown up man had laid a trap in which the innocent prosecutrix was entrapped and thereafter defiled being a foreigner and there is every apprehension that if allowed bail, the

petitioner might influence the investigations and trial and sought dismissal of the same.

As is there before this Court the gullible prosecutrix has been trapped in this net by the accused-petitioner on pretext of providing her with an accommodation. What is sought to be highlighted being consensual relationship is well illustrated by the prosecutrix to be a facade set up by her to get out of this trap as she feared that the accused might harm her otherwise. The allegations of the prosecution against the accused of having raped a foreign national by false pretence are matters of serious consequences. The apprehension of the State is certainly not unfounded. Having no merit, the present petition 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.

**November 25, 2019**  
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**( Fateh Deep Singh )**  
**Judge**

*Whether speaking/reasoned ?*  
*Whether Reportable ?*

*Yes/No*  
*Yes/No*