

**104+216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-37376-2019 in/and
CRM-M-45150-2019
Date of Decision : 02.12.2019

Karmanya Gupta

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Anurag Arora, Advocate
for the applicant/petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.

Mr. Aditya Sanghi, Advocate
for the complainant.

FATEH DEEP SINGH, J.

CRM-37376-2019

The learned State counsel states that he has no objection
if the supplementary bail application is attached with the previous bail
application.

In light of the same, the present application is allowed.

CRM-M-45150-2019

Let arguments be heard.

The petitioner/accused-Karmanya Gupta has sought this anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.112 dated 25.09.2019 under Sections 376 (2)(n), 506/34 of the Indian Penal Code registered at Police Station Women, Sector 51, Gurugram.

The present case was got registered by an unmarried lady, who happens to be a colleague of the petitioner, in the same very establishment, in Gurugram. The allegations are that the complainant is working as a senior consultant in the same company as the petitioner and during the course of their jobs, came in contact with each other and developed liking for each other. On 10.01.2018, the complainant received a telephonic call from the petitioner, telling her to take away her wallet. The complainant, to facilitate the same, went to the dwelling unit of the petitioner around night time. It is during her visit, the accused offered her a tea which was laced with a sedative. It is subsequent, thereto, the accused took undue advantage of the physical state of the complainant and defiled her against her wishes and the entire act was photographed, when the complainant threatened the petitioner, he apologized for his mistake and promise to marry her. Finding the accused wriggling out of his commitment, the complainant made first complaint on 21.08.2018

followed by a second one, on 30.08.2018. The employers carried on mandatory inquiry and in the meanwhile, the FIR in question, was got registered on 25.09.2019.

The learned senior counsel has argued that the complainant and so the petitioner, are grown up mature employees in the same office and were in a consensual relationship. It is argued that office inquiry does not indict the petitioner and as a revenge and vengeance, the present case has been got registered by the complainant and there is no medical evidence to support the same.

The learned State counsel assisted by learned counsel for the complainant, have strongly opposed the bail, firstly, on the ground that custodial interrogation of the petitioner is essential, in view of the heinousness of the offence and secondly, to enable the recovery of the video, so alleged, to have been prepared by the petitioner with an intent to blackmail the complainant. It is submitted that the accused, on the pretext of marriage, had exploited a young unmarried girl and raped, being the most reprehensible act, the petitioner is not entitled to any relief.

Appreciating the submissions as is there before this Court, it is clearly a reel life story of triangular relationship. The petitioner, being in a relationship with another co-employee, senior to him in age, is shown to have allured the present complainant on the pretext of marriage and has tried to take undue advantage of both

the unmarried females on the pretext of marriage. The mere fact that it was a consensual relationship by two adults is negated by the social media messaging placed on the records. It is a clear cut case, where the accused seduced the complainant and to nullify her retaliation by lodging a complaint, has sought to dilly-dally the matter on the pretext of marrying her, fully aware that the accused never intended to marry the complainant as he was already in a relationship with another female colleague. It needs to be kept in mind that rape is a crime, not against an individual, but the society at large, which has serious repercussions on the physical and mental health of the victim and entire self-esteem and dignity stands eroded. The arguments of the State that the custodial interrogation of the petitioner is very much essential for enabling recovery of the video, so prepared by the petitioner certainly, together with the allegations disentitles the petitioner to any relief and thus, finding no merit, the present petition stands dismissed.

02.12.2019*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No