

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-51665 of 2019 (O&M)
Date of decision : December 10, 2019

Nitesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Manish Soni, Advocate, for the petitioner

Ms. Trishangali Sharma, AAG, Haryana

Fateh Deep Singh, J. (Oral)

Petitioner Nitesh who is an accused has sought this regular bail application. The present case was got registered by an unmarried girl aged 26 years. In her allegations, the complainant claims that she came in contact with the accused and who showed his inclination and promise to marry the complainant. One and a half years prior to the registration of the case which took place on 6.8.2019, the accused on the pretext of false representation of marriage violated the complainant and subsequently backed out and

instead threatened and abused the complainant. The complainant has alleged that the accused had during this subsistence of the relationship had taken a loan of Rs 4 lacs from the friend of the complainant for getting married with the complainant. The complainant on demand of the accused had been getting him shopping of various clothes, shoes over a period of time valued between Rs 10 to 12 lacs. When the accused backed out, the present case was got registered.

Learned counsel for the petitioner has sought to argue that the complainant happens to be grown up lady a major and has volunteered into this relationship for which reliance is sought to be placed on Whatsapp messages between the two. It is argued that there is nothing suggestive that the accused petitioner has committed any fraud and even the medical evidence does not support the same.

The learned State counsel has sought to oppose the bail on the grounds that the petitioner might intimidate and influence the witnesses and frustrate a fair trial. It is submitted that in view of the seriousness of the allegations disentitles to any relief.

The stand of the two sides in the light of the records, it is well elicited that the couple was in a relationship. The Whatsapp

messaging on perusal reflects that how the girl realizing that she has been befooled and undue benefit derived from her including her defilement had reacted. The prima facie allegations reflected that the accused on misrepresentation had defiled the unmarried girl while in a car and had assured her of entering into a wedlock. The medical evidence further corroborates the offence of rape. It is clearly not a case where the accused and the complainant had undergone repeated physical relations and it needs to be distinguished and isolated from the allegations of being a consensual one. In the light of what has come about and the apprehension of the State that if allowed bail, the petitioner might stifle the trial is not unfounded. The petitioner is not entitled to any relief. The bail petition as such is dismissed.

December 10, 2019**'tiwana'****(Fateh Deep Singh)
Judge***Whether speaking/reasoned ?**Yes/No**Whether Reportable ?**Yes/No*