

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

CRM-M-12114-2020

Date of decision : 21.12.2020

Shish Mattu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ashish Aggarwal, Advocate, for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

Ms.Manpreet Kaur, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.54 dated 14.03.2020, registered under Sections 376 and 420 IPC at Police Station Goindwal Sahib, district Tarn Taran.

The complainant filed a complaint with the police that in the year 2014 the petitioner had entered into a relationship with her on the pretext of marrying her and in this context he also made the complainant meet his mother and sister who assured her that after the petitioner would settle down in life they would get them married. Thereafter, the petitioner had physical relations with the complainant and captured the intimate physical moments in his mobile. The petitioner is alleged to have continued to rape the complainant for several years thereafter in different hotels and after getting engaged with the complainant refused to marry her leading to the lodging of the present FIR.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; even if the allegations in the FIR are taken as gospel truth, though vehemently denied, in the year 2014 when the parties are said to have entered into a relationship the complainant was a major and thus she entered into a relationship with the petitioner with her open eyes; such alleged relationship between the parties continued even after the complainant

graduated and was 27 years of age; there is no medical evidence to corroborate the allegations of rape made by the complainant; an affidavit has been filed by the petitioner as also a statement has been made before this Court by him that he is still willing to marry the complainant but it is the complainant who has refused to marry him now; there is no other criminal case in which the petitioner is involved and that under the interim orders passed by this Court he has not only joined the investigation but has also fully cooperated with the investigating agency.

Learned State counsel submits that though the petitioner has joined the investigation but the amounts alleged to have been given by the complainant to the petitioner on their engagement ceremony need to be recovered.

The petitioner and the complainant are alleged to have entered into a relationship in the year 2014 when admittedly the complainant had attained majority and therefore it would be debated during the course of the trial if thereafter the parties engaged in sexual activities with or without the complainant's consent especially when the complainant alleges rape upon her for several years; there is no other criminal case in which the petitioner is involved; the petitioner has joined the investigation and had shown his bonafide by offering to marry the complainant but now it is the complainant who is refusing to marry him.

Keeping in view the totality of the above noticed facts this Court is of the opinion that the petitioner's custodial interrogation is not warranted. Resultantly, the order of this Court dated 11.05.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

21.12.2020
shamsher

Whether speaking/reasoned
Whether reportable

:
:

Yes / No
Yes / No

[DEEPAK SIBAL]
JUDGE