

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

**CRM-M No.17015 of 2020
Date of decision:01.07.2020**

Jitender Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.J.P.Jangu, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

Case has been taken up for hearing through video conferencing due to Covid -19 pandemic.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.47 dated 29.05.2020 registered under Sections 376, 323, 120-B IPC at Police Station Women Manesar, District Gurugram (Annexure P-1).

The above mentioned FIR was registered on a complaint given by the prosecutrix wherein she stated that she was staying with her male friend, Vinod at a hotel owned by the petitioner on 28.05.2020. At about 1:30 a.m. the owner of the hotel, Jitender, the present petitioner, came to their room and told Vinod to move his vehicle

from the front of the main gate of the hotel and park it at some other place. After Vinod went downstairs, on finding the prosecutrix alone, the petitioner came inside the room. The prosecutrix got scared and started shouting but the petitioner slapped her and threatened her that in case she does not become physically intimate with him he will circulate the video of her intimate act with Vinod, which had been recorded in the camera installed in the room. In this manner, Jitender had forced sex with her. After sometime, when Vinod came back and could not open the door of the hotel room, he broke it open and came inside. There was a scuffle between Vinod and the petitioner. The petitioner called other persons into the room and upon this Vinod fled from the hotel. Subsequently Vinod came back with some of his friends from Taj Nagar and took the petitioner who was waiting outside the main gate of the hotel along with him. Thereafter, they called the police and lodged the complaint.

Counsel for the petitioner has argued that the petitioner had been implicated in a false and fabricated case as the intention of the prosecutrix and her male friend was to extract money. He submits that the travelling history of the prosecutrix shows that she had violated the lockdown restrictions and was travelling with a male friend. He urges that there are loopholes in the story and it is hard to believe that after the alleged occurrence, the prosecutrix was waiting for her friend, Vinod at the main gate of the hotel.

The submissions of the counsel for the petitioner have been considered. On a pointed query by the Court, the counsel could not deny that the petitioner was the owner and running the hotel where the alleged unsavory incident took place. The prosecutrix has specifically named the

petitioner and given details of the unfortunate incident in her complaint. Record shows that even in her statement under Section 164 Cr.P.C. before the Magistrate she repeated the version of the first information report. Therefore, the custodial interrogation of the petitioner is necessary to determine his role. The concession of anticipatory bail cannot therefore, be granted to the petitioner and the petition is accordingly dismissed.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

01.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No