

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-26570-2020 (O&M)
Date of decision: 16.09.2020

Roshan Lal

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Chirag Anand, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail in FIR No.275 dated 22.08.2020 under Sections 354-C, 376(2)(N) IPC, registered at Police Station Dharuhera, District Rewari.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of prosecutrix, she is a married lady having two children and is having very poor financial condition. It is stated in the FIR that the petitioner used to visit her maternal grandparents' house and informed that he is in Delhi Police and has good connections and he can procure a job for the victim. On this pretext, he committed rape on the victim and even prepared a

video clip and started sending same to her in-laws' family particularly her husband. Out of fear, the victim did not inform this fact to her husband. Taking benefit of her silence, the petitioner committed rape on her on many occasions. In the month of April, the petitioner threatened the victim to make the video clip viral and took her to the residential flat of her female police accomplice at Manesar and committed rape on her. Again on 06.05.2020, he committed rape in a hotel at Manesar and on the next day, he sent the video clip on the whatsapp of the complainant. When the victim asked the petitioner to delete the same, otherwise her family life will be ruined, the petitioner threatened her that she will have to come and have physical relation with him, as and when required. On 29.01.2020, the petitioner again made a phone call to reach at Gurugram, where he did not come and the victim stayed with her friend. On 06.07.2020, the victim again requested the petitioner with folded hands to stop exploiting her and to delete the video clip, however, he did not mend his ways and made a phone call at 100 and got some signatures of the victim on blank papers.

Learned counsel for the petitioner has relied upon certain whatsapp chats between the petitioner and the victim, to submit that it was a love affair between them and therefore, it will not fall in the definition of rape.

In reply, learned State counsel, assisted by learned counsel for the complainant, has, however, opposed the prayer for bail on the ground that the victim, in her statement under Section 164 Cr.P.C., has duly supported the version given in the FIR, wherein she has stated that on the pretext of providing a job, she was allured by the petitioner to have sexual intercourse many times.

After hearing learned counsel for the parties, I find no ground to grant anticipatory bail to the petitioner.

Mere fact that the prosecutrix is a married lady and had consented for physical relations on the pretext of providing the job, at this stage, no benefit can be given to the petitioner because the case is at the stage of investigation.

The petitioner is Constable in Delhi Police and was making fake promise to the prosecutrix to provide her a job and took consent of the victim on false promise, therefore, it is not willful consent. Moreover, the allegations against the petitioner are serious in nature and his custodial interrogation is required for completing the investigation.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

16.09.2020
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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*