

**107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.26871 of 2020

Date of decision : September 09, 2020

Harnek Singh

..... Petitioner

Versus

U.T. of Chandigarh

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. H.P.S. Sidhu, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.161, dated 06.08.2020, under Section 376(2) IPC, registered at Police Station Sector 34-D, Chandigarh.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecutrix, the alleged relation between the petitioner and the prosecutrix was totally consensual. The said relation, allegedly, continued for two years. Hence, there is no question of rape involved in the case. It is further submitted by the learned counsel for the petitioner that earlier also, a similar complaint was made by the complainant. However, thereafter, by appearing before the police, she had made a statement that she does not want to marry the petitioner. The statement was duly recorded by the police. But just to harass the petitioner, a similar complaint has again been filed by the complainant.

Notice of motion.

Mr. A.M. Punchhi, Public Prosecutor appearing with Mr. Anupam Bansal, Advocate, accepts notice on behalf of the respondent-U.T., Chandigarh.

Learned State counsel submits that the name of the petitioner has specifically been mentioned by the prosecutrix. As per the allegations, the petitioner maintained physical relation with the prosecutrix by promising to marry her. However, subsequently, he has backed out. Hence, the petitioner has committed the offence of rape. But it is not disputed that earlier also, the prosecutrix had filed a complaint against the petitioner and as per the record, she had stated before the police that she does not want to marry the petitioner. It is also not disputed that the said relation was consensual; by any means.

In view of the above submissions, however, without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

September 09, 2020

sarita

Whether speaking / reasoned

Yes Whether Reportable: No