

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29384 of 2020

Date of decision:24.09.2020

Rohit Ranjan Pathak

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana
for the respondent-State.

SUVIR SEHGAL J.

The hearing of the petition has been taken up through video conferencing on account of outbreak of coronavirus (Covid-19) pandemic.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.298 dated 17.06.2020 registered under Sections 376(2)(n), 506, 34 of Indian Penal Code, 1860 and Sections 67, 67-A of Information Technology (Amendment) Act, 2008 (added subsequently) at Police Station Suraj Kund, District Faridabad (Annexure P-2).

FIR in question was registered on the complaint of a lady (hereinafter referred to as “victim/prosecutrix”) to the effect that she came in touch with the petitioner on telephone about 07 years ago and they frequently used to talk with each other. He called her to his house in Faridabad and he started having physical relationship with the prosecutrix on the assurance that he will marry her. However, he has now refused to get married to the victim and told her that he has been married for the last five

years. One woman claiming herself to be his wife, has threatened the prosecutrix on phone to leave the petitioner otherwise she will be eliminated. The family members of the petitioner have also been abusing her. The petitioner had maintained physical relations with the victim till February 2020.

Counsel for the petitioner has submitted that a false case has been framed against the petitioner as perusal of the FIR shows that it is sans any details regarding the alleged physical relationship. His argument is that in any case, the relationship between the two was consensual and the provisions of Section 376 IPC, are not attracted. Still further, he submits that there is a delay of more than eight years in lodging of the FIR. Lastly, he submits that in fact, the FIR is a counter-blast to the complaint which the petitioner had lodged with the Cyber Cell of the Police on 18.03.2020 (Annexure P-1), wherein he specifically named the victim and stated that she had been calling him up, sending him obscene messages and videos and by using his photographs, she had created a facebook page from where she was sending vulgar messages to his family and friends.

Per contra, State counsel who appears through conference call as he has been served with an advance copy of the petition, has opposed the petition. He submits that not only the petitioner has been named in the FIR, but the prosecutrix has supported the allegations in her statement before the Magistrate. Upon instructions from ASI Geeta, he submits that the matter is at the investigating stage and in case, the petitioner is granted anticipatory bail, he is likely to threaten the victim.

I have considered the rival submissions of the parties.

The allegations against the petitioner are too serious to be

ignored or brushed aside. An examination of the FIR shows that the petitioner had maintained sexual relations with the prosecutrix for the last many years on the false assurance of getting married to her and deceived her by hiding his true marital status. It appears that since the incident came to the notice of his wife and other family members, he tried to get out of it and even lodged the complaint (Annexure P-1) with the Cyber Cell.

The allegations against the petitioner have been duly supported by the prosecutrix, in her statement, under Section 164 Cr.P.C. The matter is at the investigating stage. The wife of the petitioner and all his family members, have been extending threats to the prosecutrix. In case, the petitioner is granted the benefit of anticipatory bail, there is a possibility, he may try to intimidate the prosecutrix. As to whether the physical relationship between the parties were consensual and as to whether, the prosecutrix was deceived, is yet to be determined.

Insofar as the argument of the counsel for the petitioner that no details of the allegations have been mentioned in the First Information Report, suffice to say that FIR is not an encyclopedia which must disclose all facts and details relating to the offence. What is significant is that information given must disclose the commission of a cognizable offence. So far as argument with regard to delay is concerned, there apparently is none as the prosecutrix has specifically alleged that the petitioner was in relationship with her till February 2020.

Keeping in view the above background, the gravity of the offence, as well as the allegations levelled by the complainant, this Court is of the view that no case is made out for grant of anticipatory bail to the petitioner. The petition is, accordingly, dismissed.

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

(SUVIR SEHGAL)
JUDGE

September 24, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes