

CRM-M-32566-2020

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

CRM-M-32566-2020

Date of decision:16.10.2020

Amar Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sukhvinder Singh Nara, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.181 dated 09.06.2020, registered at Police Station Chandimandir, District Panchkula, under Sections 354, 34, 376 and 509 IPC.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner, his wife and the prosecutrix were working in the same company and that this being the position, it was in the knowledge of the complainant-prosecutrix that the petitioner was already married having two sons. It could thus not be said that the consent of the prosecutrix had been obtained under any threat or allurements of marriage. Moreover, the petitioner has been in custody since 10.06.2020.

On the other hand, learned State counsel opposes the prayer

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made in the present petition. He submits that the petitioner did not knowingly disclose the prosecutrix that he was a married person, and rather disclosed that he was unmarried and assured to marry her. It is further contended that the petitioner had committed sexual intercourse with the prosecutrix by putting her under the constant threat of showing her nude photographs taken by the petitioner, to her brother-in-law (Jija). He further submits that challan has been presented.

I have heard the learned counsel for the parties.

Though the challan has been presented, the statement of the prosecutrix is yet to be recorded. In the cases involving the offence under Section 376 IPC, the testimony of the prosecutrix is of vital relevance.

Keeping in view the said fact and the fact that the allegations against the petitioner are serious in nature, this Court finds that the petitioner is not entitled for bail at this stage.

Dismissed.

16.10.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No