

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

CRM-M-40222 of 2020

Date of Decision: 07.12.2020

Partap

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. C. Shahpuri, Advocate for the petitioner.
Mr. Anant Kataria, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

The present petition is filed aggrieved of the order dated 26.11.2020 whereby the prayer for grant of anticipatory bail in FIR No.152 dated 27.10.2020 under Sections 323, 354-C, 376(2)(n) and 406 IPC registered at Police Station, Women Yamuna Nagar has been rejected by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri.

The FIR is at the instance of prosecutrix 'P' (name withheld) , sister-in-law of the petitioner. In the FIR, it is stated that her marriage was solemnised with Rajesh on 2.12.2014. Two daughters were born out of the wedlock. Her husband expired on 6.4.2018. After his death, petitioner started molesting her and secretly prepared a video while she was taking bath. She was being blackmailed to develop relationship otherwise the video would be made viral. She was continuously raped despite her

objections. The matter was brought to the notice of maternal uncle of the petitioner who put off the matter by stating that whatever is going let it go. Thereafter, she left the matrimonial house. On 2.10.2020, when she again came to her matrimonial house, she along with her daughters were given beatings and were abused by the petitioner, his mother etc. She again left the matrimonial house. On 10.10.2020, when she visited village Chhahrauli, the petitioner, along with his uncle and friends, was standing there and threatened her that picture and video would be viral if she took any action.

Learned counsel for the petitioner submits that a police complaints were moved by the petitioner and his mother against the complainant and her family members alleging that Rajesh was in fact murdered. Three complaints were made and when no action was taken, the mother-in-law of the complainant approached this court for direction to the police authorities. It is argued that the present FIR is only a counter-blast for pressurizing the petitioner and his mother to withdraw the complaints. It is further submitted that the complainant had filed a civil suit for declaration, claiming the service benefits of her husband even when the petitioner is a nominee in gratuity etc. The contention is that no date or time of torture or rape being committed has been mentioned in the FIR and there is delay in lodging the FIR.

Learned counsel for the State opposes the prayer stating that there are specific allegations against the petitioner. The complainant has got recorded her statement under Section 164 Cr.P.C., the investigation is going on and considering the seriousness of the allegations, custodial

No doubt, there are disputes amongst the family but that itself would not be enough for a married lady having two daughters to make such allegations involving herself of being exploited. Not only this, as per the allegations there are secretly recorded video and photographs for which she was being continuously threatened. The relatives of the petitioner were taken into confidence but no fruitful intervention was made, rather they sided with the petitioner. The contention that there is a delay in lodging the FIR may not be fatal, victim needs to collect courage to make such exploitation public.

The filing of civil suit with regard to claim of service benefits will in no way demine the allegations of forcible developing relationship by the petitioner. The matter needs deeper probe to find out the truth and for recovery of alleged video. No case is made out for extending the benefit of pre-arrest bail in the facts and circumstances of the case.

The petition is dismissed.

However, it is made clear that whatever is stated above is only for the purpose of deciding anticipatory bail petition and shall not be considered as an observation on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

7th December, 2020

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |