

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

210

CRM-M-2351-2021

Date of Decision: 20.08.2021

Rakesh Yadav

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Bhardwaj, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by Inspector Seema.

Mr. Amit Kumar Jain, Advocate,
for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.114 dated 18.12.2020 at Police Station Women Police Station Rewari, under Sections 376/328/506 IPC and Section 6 of the POCSO Act.
2. Although the allegations pertain to commission of rape by the petitioner, but it is contended on behalf of the petitioner that it is in fact a case where the victim was in a friendly relation with the petitioner and had also voluntarily solemnized marriage with the petitioner, which was duly registered on 15.12.2020, but subsequently the FIR came to be lodged when she was pressurized and was under the influence of her parents.

3. Opposing the petition, learned State counsel assisted by the learned counsel for the complainant has submitted that the petitioner had taken undue advantage of the circumstances of the victim inasmuch as her father already expired. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
4. I have considered rival submissions addressed before this Court.
5. It appears that the petitioner and the victim had been in some kind of relationship and had ultimately solemnized marriage, which was duly registered on 15.12.2020. The victim was a major at the time of her marriage. However, it appears that subsequently the relations turned sour and on account of which the instant FIR came to be lodged and presently the victim is stated to be residing with her mother. In any case, the petitioner has since joined investigation and his custodial interrogation is not warranted under the given facts and circumstances. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.01.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

20.08.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**