

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

CRM-M-17447 of 2021

Date of Decision: 27.04.2021

Himmat Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mohammad Arshad, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Prayer is for grant of anticipatory bail in case FIR No.22 dated 12.02.2021 under Sections 494, 376, 506 and 346 IPC registered at Police Station BPTP, District Nuh Faridabad.

FIR was registered on the statement of Prakash, father of the prosecutrix, who stated that he was doing labour work. His daughter (prosecutrix), aged about 20 years was doing the work of cleaning in Puri Partham, Sector 84. On 11.02.2021 at about 8:00 AM, daughter of the complainant had gone to work but till evening when she did not return back, the complainant searched for his daughter but could not locate her. The complainant suspected that his daughter had gone away out of her own sweet will. Later on, prosecutrix was found in the Company of the petitioner and she was taken away by the complainant on 15.02.2021. On 18.02.2021, prosecutrix got her statement recorded wherein, she stated that the petitioner was residing on rent in front of her house. She knew him for 2-3 months and they used to talk on phone. On 11.02.2021, at about 11:00 AM, while she was doing her work, petitioner called her telephonically at gate. He made her sit on his bike and took her to his friend Krishna. On the

very same day, he developed physical relations with the prosecutrix. After 1-2 days, the petitioner took the prosecutrix to the house of his aunt (bua) and stayed there for 2-3 days. During their stay, the petitioner solemnized marriage with the prosecutrix. Prosecutrix further stated that the petitioner had threatened her to marry him or he would kill her. On 15.02.2021, the petitioner forced her to make telephonic call to her family. Upon coming to know of this, parents of the prosecutrix reached there and took her away.

Learned counsel for the petitioner argues that the prosecutrix and the petitioner were known to each other. She performed marriage with the petitioner out of her own free will.

Heard.

It has come on record that the petitioner who is 27 years old, is already married man with five children. The prosecutrix has stated that the petitioner forced her to marry him and threatened to kill her in the event of not consenting to it. It is also evident that the father of the prosecutrix is working as labourer.

The investigation is at a very initial stage. The allegations are grave. Prima facie it reveals that the petitioner has sexually exploited the complainant and made physical relations with her against her consent especially when his earlier marriage was subsisting.

Keeping in mind the serious nature of allegations, this Court is not inclined to grant the relief.

Dismissed.

April 27, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No