

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18680-2021(O&M)

Date of decision: 12.05.2021

Raj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Kamal Chaudhary, Advocate for the petitioner

Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 37 dated 10.03.2021 registered under Section 376(2)(n), 406, 506 IPC, 1860, at Women Police Station, Central Faridabad, Faridabad.

As per the case of the prosecution, the prosecutrix knew the petitioner for quite some time as he used to provide financial help to her family. Her husband had also taken loan from the Bank with his help. She had also delivered him two signed cheques of her husband. It is further alleged that when she asked for the return of the signed cheques, the petitioner forced her to make physical relationship in the year 2017 and thereafter repeatedly indulging in the same since then. It is also alleged that the prosecutrix had also given her 6 Tolas of gold and the petitioner had promised that he would buy a house for her. It is further alleged that the prosecutrix does have recording qua the attempts made

by the petitioner to black mail her. Even her ATM card is with the petitioner for the last two years.

During the hearing, transcript of the recording was produced before the court of learned Additional Sessions Judge, Faridabad, who after going through the same has recorded as under:-

“7. At the time of arguments, a recording of the conversion of the prosecutrix/complainant and the petitioner was produced along with transcript. On perusal of the same, it revealed that petitioner was asking the prosecutrix for having physical relations. After going through the transcript, this Court is of the view that version of the complainant, as recorded in the FIR, is duly corroborated from the said recording. The learned counsel for the petitioner had failed to show that if he was not asking for having sex then for what purpose, the accused had asked the complainant by saying that “*tu mera paanch minute wala kaam kar dai.*”

Learned counsel representing the petitioner contends that the petitioner is a respectable person and there is a delay in registration of the FIR. He submits that the petitioner is to recover the loan amount from the family of the prosecutrix and therefore, he has been falsely implicated as they are unable to repay the loan amount.

This Bench has considered the submissions, however, finds no substance in it. The allegations against the petitioner are serious and

in the considered view of this Bench, it is not a fit case for grant of concession of pre-arrest bail.

Hence, dismissed.

12.05.2021
rekha

(ANIL KSHETARPAL)
JUDGE

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