

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23052 of 2021
Date of decision: 15.06.2021

Pradeep Chauhan

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Piyush Hans, Advocate and
Ms. Himani Anand, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.66 dated 19.03.2021 under Sections 376, 506, 323 and 354-A of IPC registered at Police Station Women Police Station NIT, Faridabad.

Learned counsel for the petitioner submits that the allegations alleged in the FIR are totally incorrect and false and in fact, the present FIR is only a retaliation act on the part of the complainant because she owes money to the petitioner, which was being demanded back by him. Learned counsel for the petitioner further submits that the FIR was got registered after the petitioner had filed a complaint before the competent Court of law against the complainant and her family for the return of the money which

was taken by her by committing fraud. Learned counsel for the petitioner further submits that the complainant had taken money on the pretext of providing jobs to the petitioner as well as to the 24 other similarly situated unemployed youth and the said money was not being returned, which led to the animosity between the petitioner and the complainant and in order to put pressure upon the petitioner, the present FIR has been got registered with false allegations against the petitioner by the complainant.

Learned State counsel on instructions from ASI Mahabir Singh submits that after the registration of the FIR, corroborating evidence to the allegations alleged in the FIR has already come on record showing involvement of the petitioner. Learned State counsel further submits that the record of the hotels, where the petitioner and the complainant alleged to have stayed, have been obtained. Learned State counsel submits that the custodial interrogation of the petitioner is necessary to conclude the investigation and unearth the truth behind the allegations as alleged in the FIR as the allegations are very serious.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Allegations against the petitioner are specific. The places where the complainant is alleged to have been violated on the false promise of marriage have also been mentioned in the FIR. Learned State counsel has brought to the notice of this Court that those allegations have been corroborated during investigations done so far wherein, it has come to the light that the petitioner and the complainant had gone and stayed at the places pointed out by the complainant more than five times. Assertion of the learned counsel for the petitioner that the FIR against the petitioner is a

retaliatory action to the complaint filed by the petitioner against the complainant is not correct as the complaint was filed by the petitioner against the complainant in February, 2021 whereas, the complaint was filed by the complainant before the police raising the grievance in January, 2021.

Further, the arguments of the learned counsel for the petitioner that the complainant had taken money from the petitioner and twenty four other unemployed youth to provide employment are vague. Nothing has been mentioned as to when the said money was given and what action the petitioner and the other twenty four persons had taken in respect of the money given to the complainant.

It is not denied by the petitioner that the petitioner knew the complainant. Learned counsel for the petitioner has submitted before this Court that acquaintance of the petitioner and the complainant was restricted being normal friends as any neighbours would be. The said assertion, according to the evidence already found during the investigation does not seem to be correct as the allegations by the complainant that she was violated by the petitioner by giving false promise of marriage at specific places has already been corroborated during the investigation to the effect that both complainant and petitioner stayed at those specific hotels. On being asked by this Court whether the complainant and the petitioner had stayed at those specific hotels as being alleged in the FIR, which fact has been corroborated in the investigation, learned counsel for the petitioner evaded the question by stating that he is not in a position to admit or deny the said fact as of now. This shows that the petitioner is not candid before this Court and is hiding the facts and incidents, which creates doubt in the mind of the Court that the petitioner will cooperate during the investigation

in case he is granted bail to find out the truth behind the allegations.

Further, as in the present case, the allegations are specific and clear against the petitioner that he allured the complainant for physical relations by making false promise of marriage, which are very serious in nature and relate to the modesty of a woman, the complete truth in respect of the said allegations needs to come out and for the same, the custodial interrogation of the petitioner is necessary.

Keeping in view the facts and circumstances noted hereinbefore, no ground is made out to grant the benefit of bail to the petitioner.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

June 15, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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