

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-25421-2021 in/&
CRM-M-23229-2021
Decided on : 18.08.2021

Amandeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjiv Gupta, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Nitin Sharma, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

CRM-25421-2021

This is an application under Section 482 Cr.PC for amending the prayer to the extent that the petitioner may also be granted the relief of anticipatory bail under newly added Sections 376(2)(n), 344, 506, 120-B IPC and Section 6 of POCSO Act.

For the reasons mentioned in the application, same is allowed.

Main case

Instant petition under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.114 dated 16.04.2021 under Sections 363, 366-A, 341 IPC, 1860 (Sections 420, 467, 468, 471 IPC and Sections 9/10 of POCSO Act, 2006 registered at Police Station

Adampur, District Hisar. Sections 376(2)(n), 344, 506, 120-B IPC and Section 6 of POCSO Act were also added subsequently in the case FIR.

Learned counsel for the petitioner submits that it was a case of consensual relationship between the prosecutrix and the petitioner inasmuch as they had approached this Court subsequent to their marriage by way of criminal writ petition i.e. CRWP No.3708 of 2021 seeking protection of their life and liberty and coupled with the fact that in her first statement recorded under Section 164Cr.PC, the prosecutrix had not levelled any allegations against the petitioner and it was only subsequently in her second statement recorded under Section 164 Cr.PC, she levelled allegations against the petitioner for the first time., He further submits that therefore it leaves no manner of doubt that the prosecutrix had levelled false allegations under the influence of her parents, who were unhappy with their marriage. He further submits that pursuant to order dated 16.06.2021 passed by this Court, the petitioner has joined the investigation and hence, the interim bail granted vide order dated 16.06.2021 be made absolute.

Learned State counsel as well as learned counsel for the complainant, however, have vehemently opposed the prayer and submissions made by learned counsel for the petitioner by urging that the petitioner no doubt has joined the investigation but he had been most non-cooperative and evasive during investigation for which his custodial interrogation had become imperative. While inviting the attention of this Court to the affidavit dated 04.08.2021 filed by Dy. Superintendent of Police, Detective, Hisar on behalf of respondent-State, learned State counsel has submitted that on the statement of the prosecutrix on 27.07.2021,

offences under Sections 376(2)(n), 344, 506, 120-B IPC and Section 6 of POCSO Act have been added. Learned State counsel has submitted that in fact subsequent to the registration of the FIR in question when investigation was carried out by the police, it came to be revealed that the document on which reliance was placed by the petitioner qua his marriage with the prosecutrix was in fact a fake and bogus document. Learned State counsel has further submitted that in the said regard the statement of the priest of the temple, who had allegedly solemnized the marriage of the prosecutrix with the petitioner, was recorded wherein he categorically denied the said fact and rather submitted that no such marriage was ever solemnized in his temple.

Heard and perused the material available on record.

In view of the serious and specific allegations against the petitioner, this Court is not inclined to extend the concession of anticipatory bail to him.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

18.08.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No