

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

(115)

CRM-M-23363-2021

Date of Decision : June 17, 2021

Rakesh Kumar

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikramjit Singh Randhawa, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.237 dated 23.12.2020 registered under Section 376 (2) (n) of the Indian Penal Code, 1860 at Police Station Phase-1, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the complainant has made false allegations against the petitioner and the petitioner has nothing to do with the complainant. Learned counsel for the petitioner further submits that the present allegation has been alleged only to extract money from the petitioner by blackmailing. Learned counsel for the petitioner further submits that though the petitioner and the complainant were in relationship but there was no promise extended by the petitioner to the complainant in respect of marriage and physical relations were with mutual consent.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the specific allegations have been made by the complainant alleging that the petitioner had promised her to marry and under the said false promise, he violated her modesty. Learned counsel for the respondent-State further submits that in the investigation done so far, it has come on record that the petitioner had taken complainant to a hotel in village Shah Majra.

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

In the present case, it is not disputed by the petitioner that he was in a relationship with the complainant. The physical relations with the complainant has not been denied by the petitioner.

Under these circumstances, once an allegation has been made by the complainant that the said physical relations were under the false promise of the marriage, the same cannot be brushed aside merely on the asking of the petitioner, at this stage. The custodial interrogation of the petitioner is necessary to find the actual truth. Further, the petitioner is working in the police department and it is his duty to ensure the safety of the citizens rather than indulging in these activities.

No ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

June 17, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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