

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

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**CRM-M-26216-2021
Decided on : 14.07.2021**

Arun

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Inderjeet Singh, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, Asstt. AG, Haryana
assisted by DSP Ashish Chaudhary.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 146, dated 28.05.2021, under Sections 342, 376, 506 of IPC, 1860 and Sections 3(1)(s) and 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'SC/ST Act'), registered at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioner *inter alia* contends that the prosecutrix is a married lady and had been in a live-in relationship with the petitioner for 03 years. However, due to some differences, their relations soured. Resultantly, she was prevailed upon by some one to file a false complaint against the petitioner, which she eventually did to Superintendent of Police, Yamuna Nagar on 24.03.2021. In the said complaint, the prosecutrix levelled allegations of rape against the petitioner. The allegations were enquired into by the Women's Cell. Vide enquiry report dated 31.03.2021 (Annexure P-1), the allegations were found to be baseless,

as the prosecutrix herself stated during the enquiry that she had levelled false allegations against the petitioner on the instigation of someone. Learned counsel submits that the FIR in question, which has been registered on 28.05.2021, on almost similar allegations leaves no manner of doubt that the prosecutrix has again come up with a concocted story at the behest of her uncle, Rakesh, who had been blackmailing the petitioner and his family to either part with Rs. 2.00 lakhs, or else he would get the complaint dated 24.03.2021 reopened by levelling false allegations of rape etc. against the petitioner. Learned counsel in support has drawn the attention of this Court to Annexure P-2, dated 01.04.2021, which is a copy of the FIR registered under Sections 384, 388 and 389 of IPC against said Rakesh, wherein, all the aforementioned facts find duly reflected. It has been further submitted that even otherwise a perusal of the FIR in question dated 28.05.2021 (Annexure P-3) clearly reveals that marriage of the prosecutrix with her husband was still subsisting, as she had not yet obtained a divorce from him and that she was in a consensual relationship with the petitioner for as many as 03 years, hence, there was no question of the petitioner getting married to her during the subsistence of her first marriage.

Per contra, learned State counsel on instructions from DSP Ashish Chaudhary, has fairly admitted that the allegations levelled in the FIR in question are almost akin to the ones levelled in the complaint made on 24.03.2021 to the Superintendent of Police, Yamuna Nagar, which on enquiry were found to be baseless. She has also not been able to controvert the factum of reregistration of FIR under Sections 384, 388 and 389 of IPC, against Rakesh (uncle of the prosecutrix), wherein, allegations of extortion were levelled by the petitioner and his family with threats of reopening the

complaint and false implication in cases.

Heard.

As per the admitted case of the prosecutrix herself she was in a live-in relationship with the petitioner for 03 years and her marriage with one Rajbir was and is still subsisting. In the facts and circumstances, it is only during trial, it would be determined as to whether the mischief of Sections 342, 376, 506 of IPC and Sections 3(1)(s) & Section 3(1)(w) of the SC/ST Act, 1989, would be attracted in this case.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 12th June, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 14, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*