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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26438-2021

Date of Decision: July 12, 2021

Surender Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ketan Antil, Advocate for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana.

.....

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0022, dated 14.06.2021 (Annexure P-1), under Sections 328, 376(2)(a) and 506 IPC, registered at Police Station Sector 27, Sonipat, District Sonipat.

A perusal of the FIR (Annexure P1) shows that the complainant-victim has levelled the allegations that the petitioner dishonestly induced her into sexual relationship on the pretext of marriage. She has alleged that by profession she is a Nurse and the petitioner is a Civil Engineer. She further alleged that the petitioner kept her in a flat and used to drop her on duty at Gurugram. On 28.04.2021 the petitioner took her to Gurugram and committed sexual intercourse 3-4 times. She categorically

alleges that since beginning the petitioner had the bad intentions and,

therefore, simply on promising that he would marry her, he kept on establishing physical relationships with the prosecutrix on false pretext of marriage. Now when the prosecutrix came to know about his intentions, she approached the police for initiating legal action against the petitioner for the offence he has committed.

On the other hand, learned counsel for the petitioner vehemently contends that the petitioner is a married person and he has been falsely implicated in this case. He further submits that there is no medical on record showing rape and further he is ready to join the investigation and cooperate therein. He further submits that the allegations levelled pertains to November 2019 and thus, there is a delay in lodging the present FIR, which would show that the petitioner is falsely implicated.

In the facts and circumstances of the case, I find that case is at nascent stage. Investigation is yet to be commenced. Looking into totality of the facts and circumstances and the gravity of the offences and in the attending circumstances, I am of the firm opinion that case requires thorough investigation for which the police would require custodial interrogation of the petitioner to unveil the truth behind the allegations.

Thus, no case is made out to grant anticipatory bail to the petitioner. The same is, hereby dismissed.

July 12, 2021
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(**RAJESH BHARDWAJ**)
JUDGE

1. **Whether speaking/reasoned ?**
2. **Whether reportable ?**

Yes/No
Yes/No