

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

CRM-M-28154-2021
Decided on : 10.11.2021

Balvinder @ Balinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navneet Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.277 dated 26.06.2021 under Sections 376(2)(N), 450, 506 IPC 1860 registered at Police Station Tohana District Fatehabad.

Learned counsel for the petitioner states that the petitioner has since joined the investigation in compliance of order dated 20.07.2021, which was passed in the following terms:

“Learned counsel for the petitioner inter alia contends that totally concocted story has been brought forth by the prosecutrix that on 05.04.2021 while she was sleeping inside her house at about 10.30 pm she saw the petitioner standing in the courtyard of the house and on enquiry as to who he was, the petitioner raped her after threatening her with dire consequences. Still further on the following day, the petitioner again landed in her house and committed the same act in addition to threatening the prosecutrix that in case she divulged the said fact to anyone, she and her family would be eliminated. Learned counsel submits that in fact the

petitioner and the complainant were well acquainted with each other since the complainant had been buying milk from the petitioner. He further submits that a perusal of the FIR in question clearly hints towards a consensual relationship between the parties and as the neighbours came to know of the petitioner's frequent visits to the house of the complainant during the absence of her husband, she for reasons but obvious got the FIR in question registered and that too after almost 2½ months of the alleged occurrence.”

Learned State counsel on instructions from ASI Shiksha Devi states that the petitioner is not required for custodial interrogation.

In view of the above, the petition is allowed and interim order dated 20.07.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

10.11.2021
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(MANJARI NEHRU KAUL)
JUDGE

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