

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.24181 of 2020 (O&M)

Date of Decision: March 24, 2021

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajnikant Upadhyay, Advocate,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Ms. Veena Hooda, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

CRM-9373 of 2021

Application is allowed. Warrant of arrest (Annexure R-6) is
taken on record.

CRM-27271-2020

Application is allowed. Documents Annexures R-1 to R-5 are
taken on record.

CRM-M-24181-2020

This petition has been filed by the petitioner under Section 438
Code of Criminal Procedure for grant of anticipatory bail in case FIR No.45
dated 19.06.2020, under Sections 376(2)(n), 365, 354(d), 323, 506, 34 IPC
1860 and Section 67 Information Technology Act, 2000, registered at Police
Station, Women Hisar, District Hisar. The petitioner apprehended his arrest
at the hands of police, in the above FIR.

Learned counsel for the petitioner has contended that in

compliance of the order dated 27.01.2021, the petitioner has joined the investigation. This fact is not disputed by the learned State counsel, who is assisted by Inspector Sunita Devi, but opposed the prayer on the ground that the motor-cycle used by petitioner in the crime is yet to be recovered.

At this stage, learned counsel for the complainant has opposed the prayer on the ground that the offence is serious and the petitioner does not deserve the concession of pre-arrest bail as subsequently another FIR No.700 dated 21.09.2020, under Sections 195-A and 506 IPC (Annexure R4) has been lodged at the instance of the complainant against the petitioner at Police Station, HTM, Hisar, District Hisar. He has submitted that the petitioner is pressuring the complainant to withdraw the case, who developed physical relations with the complainant on the false pretext of marriage, without disclosing that he was already married.

At this stage, learned counsel for the petitioner has contended that it is the complainant who is harassing the petitioner by involving him in a criminal case by levelling false allegations. He submits that the complainant entered into relations with the petitioner in February, 2018 willingly with her free consent, and in this regard he has invited the attention of the court to the notings (Annexure P-3) in her own hand. He further contends that a reading of these handwritten notes clearly indicates that the complainant was well aware that the petitioner was already married.

Learned counsel has argued that previously also, the complainant had given a similar complaint dated 13.05.2020 to the police, which was subsequently withdrawn by her. According to him, even the petitioner's sister Pinki and her husband Ramdhari have also been falsely implicated in this case, who have been granted anticipatory bail.

After hearing the learned counsel for the parties and considering the above background, but without expressing any opinion on the merits of this case, the petition is allowed and the interim bail granted by this Court vide order dated 27.01.2021 is made absolute.

March 24, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No