

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

CRM-M-30372-2021

Date of decision : 02.08.2021

Pardeep Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Sushil Bhardwaj, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

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

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0212 dated 16.07.2021, under Sections 354-D, 376, 452, 506 of Indian Penal Code, 1860, at Police Station Thanesar City, District Kurukshetra.

It has been contended that the petitioner has been falsely implicated in the FIR and no offence as alleged is made out against him.

The FIR in question was lodged by the prosecutrix who belongs to Tripura. As per the allegations, the prosecutrix is a Swimming Trainer in Daronacharya Stadium, Kurukshetra and her husband was also posted on the same post in the said stadium. The son of the petitioner used to take training from the said stadium and on account of the same,

the petitioner came in contact with the prosecutrix whose husband was also employed in the same stadium. There are categorical allegations by the prosecutrix that taking benefit of the difference of the prosecutrix with her husband, the petitioner started misusing the relationship and his position. Thus, he committed rape with the prosecutrix. Her statement under Section 164 Cr.P.C. was also registered before the Magistrate wherein she fully supported the allegations made in the FIR. It has also been alleged that the petitioner had made her offensive videos and photos with his mobile phone which were in his possession and the same is to be recovered by the investigating agency.

Learned counsel for the petitioner contends that there were monetary transactions that proves the money transferred by the petitioner to the complainant. He contends that he has visited her native place in Tripura and the present FIR has been registered with an ulterior motive as he asked the prosecutrix to return the money given by him.

I have heard the counsel for the petitioner and the State and perused the record.

The record shows that the relationship of the petitioner with the prosecutrix is since long and it is on earlier occasions as well the prosecutrix had lodged complaint against the petitioner. However, the same had been allegedly withdrawn due to the influential position of the petitioner. She had also moved representation to the Chief Minister, Tripura and supported the allegations while her statement under Section 164 Cr.P.C. was recorded. Besides this, obscene messages were being sent by the petitioner to the prosecutrix and obscene videos and photos were also sent by the petitioner to the prosecutrix.

Learned State counsel submits that the facts and circumstances of the case do not warrant the grant of anticipatory bail to the petitioner.

After hearing the arguments and perusing the record, the Court is convinced that the facts and circumstances of the case do not qualify for grant of anticipatory bail as the free and fair investigation would be hampered. The recovery as alleged is also to be effected from the petitioner and thus, the custodial interrogation of the petitioner would be required.

In the overall facts and circumstances of the case, no case for grant of anticipatory bail is made out. The petition being devoid of any merits is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

02.08.2021
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No