

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

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**CRM-M-33239-2021 (O&M)
Decided on : 04.10.2021**

RAJIV

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Mohit Bishnoi, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana
assisted by ASI Usha.

Mr. Kartar Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 438 CrPC for grant of anticipatory bail to the petitioner in case FIR No.127 dated 10.07.2021 under Sections 120-B, 354-C, 376(2)(N), 384 and 509 of the IPC registered at Police Station Bhattu Kalan District Fatehbad (Haryana).

Learned counsel for the petitioner contends that the prosecutrix at the behest of her in-laws family had planted a false case on the petitioner as the petitioner had seen some unknown person visiting the Nohra (cattle shed) of the prosecutrix during the absence of her husband. Learned counsel submits that in fact the prosecutrix was having an extra-marital affair with that unknown person and it was in this background, to cover up for her

wrong deeds, the prosecutrix and her husband had planted the instant case on him by levelling all kinds of allegations which on the face of it could not be digested. The learned counsel while inviting the attention of this court to the statement recorded under Section 164 Cr.P.C. of the prosecutrix has submitted that it was at complete variance with the allegations levelled in the FIR. Not only this, it has been submitted that the investigating agency had seized documentary evidence including CCTV footage which also revealed that there was nothing therein to connect the petitioner with the alleged crime.

On being put to notice, learned State counsel, at the outset, on instructions from ASI Usha has apprised the Court that there are serious and specific allegations levelled against the petitioner for which his custodial interrogation is required. She has further apprised the Court that the CCTV footage of the relevant dates when the alleged crime was committed was not found as it had apparently been tampered with. Hence, on 27.08.2021, the DVR was sent to DIATEC Lab for retrieving all data and the report of the same was awaited. Learned State counsel while inviting the attention of this Court to the reply filed by the State submitted that the petitioner sent a boy to establish forcible physical relations with the prosecutrix who then forcibly established physical relations with the prosecutrix. The petitioner made a video of the same and blackmailed and pressurized the prosecutrix to spend a night with him as well. Learned State counsel further submits that since the prosecutrix refused to oblige him, the petitioner started circulating the said video. Still further submits that since the video had been prepared through the mobile phone of the petitioner, his custody would be

required for recovery of the said mobile phone and also for identifying the boy, who had been sent by the petitioner to establish forcible physical relations with the prosecutrix.

Heard learned counsel and perused the material on record.

Prima facie, there are serious and specific allegations levelled against the petitioner in the FIR in question. This Court therefore does not deem it fit to extend the concession of anticipatory bail to the petitioner. Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 04, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*