

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

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**CRM-M-35238-2021
Decided on : 27.08.2021**

Kuldeep Singh

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Raman Chawla, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner, in case FIR No. 408, dated 19.07.2021, registered under Sections 328, 366, 376 (2)(N), 376-D, 506 of IPC, lodged at Police Station Azad Nagar, District Hisar.

Learned counsel for the petitioner *inter alia* submits that the petitioner and the prosecutrix had solemnized a love marriage on 07.01.2020 at Helping Care Charitable Trust, Hisar, as per Hindu rites and ceremonies. He further submits that since the family of the prosecutrix were unhappy with the matrimonial alliance, they planted the instant case on the petitioner, his cousin and another person by levelling allegations of gang rape. Learned counsel further submits that the allegations levelled in the FIR in question that the petitioner had raped the prosecutrix after lacing her cold drink with some intoxicant, is falsified from the fact that the prosecutrix had herself executed an affidavit/declaration dated 08.01.2020 (Annexure P-3), wherein, she had clearly stated that both the petitioner and

she had solemnized marriage as per the Hindu rites and ceremonies on 07.01.2020. Learned counsel for the petitioner further submits that in addition to the aforementioned, there was documentary evidence in the shape of phone recordings, wherein, the prosecutrix could be heard pleading with the petitioner to dissolve their marriage, as her family was pressurizing her to discontinue her relations with him. Further submits that the said phone recordings which has been annexed as Annexure P-8, was prior to the registration of the FIR in question. Learned counsel submits that vide application dated 15.07.2021 (Annexure P-4), the petitioner had also approached the S.S.P., Hisar, seeking recovery of his wife i.e. the prosecutrix and for the protection of his life and liberty.

I have heard learned counsel for the petitioner and perused the material on record including the FIR annexed along with the present petition.

A perusal of the allegations levelled in the FIR in question reveal that the prosecutrix after consuming a cold drink, which had been laced with intoxicant, had not only been gang raped by the petitioner and his cousin, but she was also threatened with dire consequences, in case, she refused to solemnized marriage with the petitioner. It has also been alleged in the FIR in question that taking advantage of the dizziness of the prosecutrix, the petitioner had made her to sign on some blank papers, clicked her nude photographs and thereafter blackmailed her for establishing forcible physical relations not only with him and his cousin brother, but also with his friend.

Prima facie, there are serious and grave allegations levelled against the petitioner of raping the prosecutrix after threatening her with

dire consequences. The authenticity or otherwise of the affidavit dated 08.01.2020 (Annexure P-3) stated to have been executed by the prosecutrix and some phone recordings between the petitioner and the prosecutrix, shall be put to test during trial and cannot be gone into at this stage.

Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

August 27, 2021

J.Ram

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