

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

CRM-M-35460-2021
Decided on : 07.12.2021

Prashant Tomar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anil Ghanghas, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, 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.131 dated 03.08.2021 under Sections 376(2)(n), 506, 120-B IPC 1860 (Section 417 IPC added later on) registered at Police Station Women District Karnal.

The case of the petitioner is that on account of a matrimonial dispute between the prosecutrix and her husband – Rahul (brother of the petitioner), a false and unbelievable case had been trumped up against the petitioner, his sister and Rahul i.e. husband of the complainant. Learned counsel has submitted that as per the allegations levelled in the FIR in question, that the petitioner had pressurized the complainant to solemnize marriage with his brother for the purpose of procuring an Australian Visa, on the face of it, was patently ridiculous as his brother was not an Australian citizen, much less an NRI. Still further, it has been submitted that the marriage of the prosecutrix and the petitioner's brother was solemnized on 24.10.2018, much prior to the registration of the FIR in question, in the

presence of her mother and subsequently, got registered on 05.11.2018. Learned counsel has submitted that in the aforementioned facts and circumstances, the allegations levelled by the complainant that the petitioner had developed physical relations on the pretext that after she got an Australian Visa, he would marry her, left no manner of doubt that it was nothing but a concocted story.

Learned counsel for the petitioner submits that pursuant to order dated 27.09.2021, passed by this Court, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel on instructions from L/SI Rajwati does not dispute the said fact and states that the petitioner has joined investigation and is not required for further investigation much less custodial interrogation.

In view of the above, the petition is allowed and interim order dated 27.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

07.12.2021
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No