

107.

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

CRM-M-35962-2021

Date of Decision: 02.09.2021

(Heard through VC)

BHAGWANT SINGH @ ROHIT

.... Petitioner

Versus

U.T. OF CHANDIGARH

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.92, dated 07.08.2021, registered under Section 376 IPC at Police Station Mauli Jagran, Chandigarh.

Counsel for the petitioner would claim false implication of the petitioner herein in the present FIR by contending that the necessary ingredients of Section 376 IPC are missing and that no offence is made out against him. It is submitted that the petitioner met the complainant on a social site i.e. shaadi.com and they were in talking terms with each other. The petitioner had obtained approval of his parents for their marriage but it is the complainant herein who started making false excuses. It is further

submitted that the petitioner is serving in the Indian Army and there is little likelihood that he would abscond or not being available for investigation.

Notice of motion.

At this stage, Mr. Rajeev Anand, APP, UT, Chandigarh, has put in appearance on behalf of respondent-UT, Chandigarh and Mr. Sarafraj Anjum Mor, Advocate, for the complainant. They have argued that the petitioner herein had developed physical relations with the complainant after he had given her false assurance that they would get married. In fact, the complainant and the petitioner met through a social site i.e. shaadi.com. Both started talking each other and they met for the first time in a hotel Blackhouse in Zirakpur (Punjab). The petitioner informed the complainant that he had talked to his parents about their marriage and thereafter, he made physical relations with her and promised that they would get married soon. However, after she got pregnant, the petitioner sent his friend to give her some medicines and would keep assuring that they would get married. She informed her parents that she liked the petitioner and wanted to marry him. At which, her parents wanted to talk to the parents of the petitioner herein. However, the petitioner did not pick up her calls thereafter. Counsel for the respondent-State and the complainant would further submit that the petitioner herein has been called on several occasions but he did not respond. It is submitted that warrant of arrest of the petitioner had also been issued by the court but the officials of the Army Cantt., Jalandhar, where the petitioner is posted, did not allow the local police to arrest him.

I have heard learned counsel for the petitioner as well as the counsel for the respondent-State and the complainant and find that there is

no ground made out to entertain the instant petition. There is an averment made in the petition that there is a specific allegation made that the parties met through shaadi.com which would itself indicate that the complainant herein was looking to get married and the petitioner herein came to meet her through the social website. There is a specific allegation that he had assured her that his parents had approved the said marriage and thereafter, he had developed physical relations with her. The investigation in this matter is pending and the apprehension of the prosecution that the petitioner-accused if released on bail may hamper investigation and influence the witnesses cannot be ruled out.

In view of above, this Court does not find any ground to admit the petitioner on anticipatory bail and accordingly, the present petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

02.09.2021

sanjeev

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