

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.36430 of 2021(O&M)

Date of Decision.14.09.2021

(Heard through VC)

Ashwani Singh

...Petitioner

Vs

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashuthosh Upadhyay, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

1. Short reply along with whatsapp chats filed on behalf of the respondent-State is taken on record.

2. This is second bail application that has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in FIR No.209 dated 17.08.2021 under Sections 376(2)(n) IPC registered at Police Station, DLF, Phase-3, Gurugram.

3. Learned counsel for the petitioner would contend false implication in the said FIR. It is contended that the prosecutrix and the petitioner came in contact in the month of February, 2020 and it was disclosed to the petitioner that the prosecutrix had lost her job and is facing financial crisis. In fact, she requested the petitioner for some financial help and requested the petitioner to allow her to live in his house till she gets another employment. In the month of July/August, 2020, the prosecutrix came to the rented accommodation of the petitioner and said that she would live with him in live in relationship. The petitioner lost his job and went back

to his native place after disclosing the same to the prosecutrix, however, the prosecutrix started blackmailing him and threatened the petitioner that if he would not fulfill her demand, she would lodge false rape case against him. When the petitioner came back to Delhi on 31/07/2020, he was again faced with threats and ultimately, the instant FIR came to be registered. It is argued that in fact the petitioner and the prosecutrix were in a live in relationship and that too at the behest of the complainant herself. It is also argued that she had refused to get her medical examination done.

4. Notice of motion.

5. Ms. Mahima Yashpal, DAG, Haryana, who is present through the medium of video conferencing, accepts notice on behalf of the respondent-State.

6. Reply filed on behalf of the respondent-State along with various whatsapp chats would reflect that the petitioner herein had talked of marriage with the complainant and had also wanted to know as to what would be given in the marriage. Learned counsel appearing on behalf of the respondent-State would argue that there are whatsapp chats, which would reflect that the petitioner had asked the complainant as to what dowry would be given at the time of marriage. It is further argued that the petitioner herein after promising to marry had developed physical relationship with the complainant and thereafter, had dumped her and left for his native place and refused to take her calls.

7. I have heard learned counsel for the parties and keeping in view the fact that there are serious allegations against the petitioner and since the investigation is at initial stage, this Court does not find any ground to grant

anticipatory bail to the petitioner as his custodial interrogation would be required. Resultantly, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

September 14, 2021
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No