

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

**CRM-M-40664-2021**

**Date of decision : 26.10.2021**

**Anup**

**..... Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present :- Mr. Virender Singh Punia, Advocate  
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Jainender Saini, Advocate  
for the complainant.

**\*\*\***

**RAJESH BHARDWAJ, J.**

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.227 dated 14.07.2021, under Sections 452, 376(2)(N), 313, 506, 120-B, 201 IPC and Section 3(2)(VA) of Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act (Amendment 2015), at Police Station Uklana, District Hisar.

Succinctly, the facts of the case are that the present FIR was registered on the statement of the prosecutrix wherein, it was alleged that the prosecutrix is mother of two children. Her husband died 8 years ago and she was doing the work of a labourer. As her son remained ill, she got information about one Dharmbir, who was said to be giving holy offerings. She went with her son to Dharmbir's hermitage. Dharmbir took advantage of the situation of the prosecutrix and established forcible physical relations with her, due to which, she became pregnant.

Thereafter, Dharmbir got the abortion of the prosecutrix done. The FIR

was lodged for taking action against the culprits. Name of the petitioner surfaced during investigation. Apprehending his arrest, petitioner filed the application for grant of anticipatory bail before the learned Additional Sessions Judge, Hisar, who declined the same, vide his order dated 19.08.2021.

Aggrieved by the same, the petitioner approached this Court for grant of anticipatory bail.

Learned counsel for the petitioner contends that the petitioner has no role to play in the offence committed. He submits that the petitioner is not even named in the FIR and thus, no case for his custodial interrogation is made out. He further submits that in the attending circumstances, the petitioner deserves to be granted the anticipatory bail.

Learned State counsel has opposed the same and submits that there are specific allegations against the petitioner which is established during investigation and he has played an active role in the commission of the offence.

I have heard learned counsel for the parties and perused the record.

Though, the name of the petitioner does not find mention in the FIR, however, during the ongoing investigation, petitioner has been found to have played an active role in the commission of the offence. Learned Additional Sessions Judge, Hisar while dealing with the prayer of the petitioner has observed that the main accused Dharmbir has committed rape with the prosecutrix and once the prosecutrix became pregnant, the present petitioner provided tablets for her abortion. As per

the supplementary statement of the prosecutrix, the petitioner played an active role in the abortion of the prosecutrix. The investigation is at threshold. The allegations against the petitioner are serious in nature and requires a thorough investigation.

In the overall facts and circumstances of the case, the petitioner does not qualify for being enlarged on anticipatory bail as there are every chances of hampering the ongoing investigation.

Having no merit, petition is dismissed.

( RAJESH BHARDWAJ )  
JUDGE

26.10.2021  
*m.sharma*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |