

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

CRM-M-33927-2019 (O&M)

Date of decision : 19.07.2021

Sujay Bhardwaj

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mohd. Shariq, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Amandeep Rana, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case FIR No.66 dated 30.05.2019, registered under Sections 376(2) (n) of the Indian Penal Code at Woman Police Station Sector 51, District Gurugram, Haryana.

It has been contended that no offence as alleged in the FIR is made out. Learned counsel for the petitioner submits that both the victim and the petitioner are major and from the allegations made in the FIR, it is apparent that the relationship was consensual and hence, there was no question of alleged offence of rape against the petitioner. He contends

that the arrest of the petitioner was stayed on 2nd September, 2019 and thus, the same be confirmed.

Mr. Amandeep Rana, Advocate for the complainant has vehemently opposed the prayer of the petitioner for grant of anticipatory bail. He submits that though the petitioner and the victim-complainant were in relationship but the petitioner ravished the honour of the victim on the fake promise of the marriage which was never fulfilled by him and finally he abandoned the victim. He further submits that demeanor of the petitioner is evident from the very fact that now he is married with some another girl which has proved his *mala fide* intention for the victim. Thus, he prays that the petition be dismissed.

Mr. Manish Bansal, DAG, Haryana for the State has opposed the prayer made by the petitioner. He submits that this Court has stayed the arrest of the petitioner on the assurance given by the petitioner that there is a possibility of compromise between the parties but he made no efforts for compromising the matter and therefore, deserves no leniency.

I have heard learned counsel for the parties.

From the arguments raised and the record perused, it is crystal clear that the petitioner was in relationship of about 04 years with the victim as alleged in the FIR. On the assurance given by the petitioner to the Court, his arrest had been stayed vide order dated 2nd September, 2019. However, as submitted by counsel for the complainant and the State that the petitioner is now married with some another girl and thus, he has totally misused the concession given by this Court. The conduct of the petitioner is writ large. There are categorical allegations of heinous offence against the petitioner.

This Court is of the opinion that in the facts and circumstances, the petitioner deserves no leniency and hence, this petition being devoid of any merit, is hereby, dismissed.

(RAJESH BHARDWAJ)
JUDGE

19.07.2021
m. sharma

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