

SUNIL VERMA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pardeep Panwar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Pradeep Chokker, Advocate

VIVEK PURI, J. (ORAL)

Reply by way of affidavit of Pardeep Kumar, HPS, Deputy Superintendent of Police, Samalkha, District Panipat on behalf of the respondent-State has been filed and the same is taken on record.

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 35 dated 13.01.2022, registered under Sections 323/376(2)(n)/506 IPC, 1860, at Police Station Samalkha, District Panipat.

Briefly, the case has been registered on the basis of the statement of prosecutrix alleging that the petitioner had been visiting their house. In March, 2021, the prosecutrix was alone in the house, the petitioner entered the house and forcibly committed rape upon her. The petitioner had also been committing rape upon her time and again. He also captured vulnerable pictures and video in the mobile phone. On the refusal of the petitioner to indulge in any such activity and making the disclosure to her husband, the petitioner used to beat her and also threatened to put the video and photographs on internet. The petitioner had also

threatened to kill the prosecutrix and her children.

Learned counsel for the petitioner contends that there is a delay of about 09 months in lodging the FIR, the prosecutrix has sworn an affidavit dated 27.07.2021 (Annexure P-3) which indicates that the petitioner has been falsely implicated at the instance of the husband of the prosecutrix and furthermore, the petitioner was having acquaintance with the family of the prosecutrix.

On a contrary, the bail application has been resisted by learned State counsel and counsel appearing on behalf of the complainant by arguing that the allegations against the petitioner are serious and grave. It has been categorically stated by the learned counsel for the complainant that an affidavit dated 27.07.2021 (Annexure P-3) has been procured under threat.

It is significant to note that the allegations of commission of forcible sexual intercourse have been levelled against the petitioner. It may be true that there is a delay of about 09 months in lodging the FIR but it will be too early to conclude that the case as sought to put forth by the prosecution is false on that score. The aspect and effect of the delay is to be looked into by the trial Court at the appropriate stage. It shall not be out of place to mention here that it has been specifically and categorically mentioned in the FIR that the petitioner had procured vulnerable pictures and video of the prosecutrix, threatening to put the videos and photographs on internet and also to kill the prosecutrix and her children. As such, it can be inferred that on account of lurking threat in the mind, the prosecutrix refrained from reporting the matter to the police. Moreover, learned counsel for the complainant has stated that the affidavit dated 27.07.2021 (Annexure P-3) has been procured by exercising pressure upon the prosecutrix. It appears that the petitioner is trying to win over and influence the witnesses and in such circumstances, no justified ground is made out to extend the extra ordinary relief

by the petitioner have also been reiterated by her in the statement recorded under Section 164 Cr.P.C. There are serious allegations of commission of repeated forcible sexual intercourse which dis-entitles the petitioner from the relief of pre-arrest bail.

In view of the above, the present petition is dismissed.

24.02.2022
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(VIVEK PURI)
JUDGE

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