

CRM-M-8933-2022

Date of Decision: 3.3.2022

Surinder Kumar @ Salinder Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.C. Shahpuri, Advocate, for the petitioner.

Mr. Vijay Pratap Singh, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

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 is for grant of anticipatory bail to the petitioner in a case FIR No.246 dated 2.11.2021, registered under Sections 376 (2)(n), 328, 354-C, 384, 506 IPC at Police Station Women Yamuna Nagar, District Yamuna Nagar.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He has submitted that the complainant is a married lady and is a member of Gram Sangthan. He has submitted that there was no occasion for the complainant to go to the house of the petitioner as alleged. He submits that there are other women also who are the members of the Sangthan and on the face of it the allegations are false and frivolous.

Heard.

From the perusal of the FIR, it is apparent that the allegations against the petitioner are that the complainant was intoxicated and taking

benefit of the same, the petitioner established forcible physical relationship with her. Thereafter, as per the allegations, objectionable photographs and videos were made and the complainant-prosecutrix was threatened to make the same viral. It is also alleged that she was compelled to give Rs.50,000/- also. Though learned counsel for the petitioner submitted that the allegations are false and frivolous, however, at the time of consideration of the anticipatory bail i.e. when the case is under investigation, the Court cannot go into the veracity of the allegations. However, *prima facie*, the allegations are specific and serious in nature. For the consideration of anticipatory bail, the factors to be taken into consideration are like the gravity of offence, the probability of the accused causing hindrance in the investigation and his chances of fleeing from justice. Taking into consideration the statutory provisions and plethora of judgments, this Court finds that the petitioner do not qualify for grant of anticipatory bail.

The petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

3.3.2022

sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No