

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

206

(Through Video Conferencing)

CRM-M-20202-2021 (O&M)

Date of decision: 02.02.2022

Mohit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raj Kumar Bhatia, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

Mr. Arnav Sood, Advocate as legal aid counsel
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.156 dated 13.04.2021 under Section 376 of the Indian Penal Code, 1860, registered at Police Station Zirakpur, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that a total false and fabricated case has been planted upon the petitioner inasmuch as the petitioner was never involved with the prosecutrix and had never extended the promise of marriage to her as well. Leaned counsel further submits that the prosecutrix has also given an affidavit to the authorities that she did not want to initiate any action against the

petitioner for commission of an offence under Section 376 IPC. In support, he has drawn the attention of this Court to Annexure P-9. Learned counsel submits that in the wake of the fabricated and false allegations levelled against him and the submissions made by him, the petitioner be directed to join investigation as he was willing to cooperate with the investigating agency.

Per contra, learned State counsel assisted by learned counsel for the complainant-prosecutrix have vehemently opposed the prayer and submissions made by counsel opposite. Learned counsel have drawn the attention of this Court to Annexure P-4 which is a duly sworn in affidavit of the petitioner himself wherein he has admitted to having been in physical relationship with the prosecutrix and also deposed therein that he would be performing marriage with her within 08 months, and in case he failed to do so, legal action could be taken against him. Learned State counsel has submitted that this affidavit runs at complete variance with the submissions made by counsel for the petitioner that he and the prosecutrix had not been in a physical relationship and no promise of marriage had ever been given to her. Learned State counsel has thus prayed for dismissal of the petition as the custodial interrogation of the petitioner is required.

Learned counsel for the complainant (prosecutrix) has also disputed the submissions made by the counsel opposite that the prosecutrix did not want the authorities to proceed against him for commission of offence under Section 376 IPC.

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

Prima facie, in view of the serious and specific allegations levelled against the petitioner of having lured the prosecutrix into a physical relationship after giving her a false promise of marriage and thereafter abandoning her, this Court does not deems it fit to extend the extra ordinary concession of anticipatory bail to the petitioner.

Dismissed.

02.02.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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