

208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21907-2022 (O&M)

Date of Decision: 10.11.2022

AMAR MANI MISHRA

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.S.Kang, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J.(ORAL)

On 20.05.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.83 dated 17.03.2022, registered under Sections 376(2)(n)/384 IPC, 1860 at Police Station Sector-50, Gurugram.

Briefly, the FIR has been registered on the basis of the statement of the prosecutrix alleging that she is aged about 25 years. The prosecutrix became familiar with the petitioner through social media. The petitioner promised to marry her and had forcibly established physical relations during the period from August, 2020 to January 15, 2021. Subsequently, the prosecutrix told the petitioner that she does not want to have any relation with him and thereafter, the petitioner threatened to viral her photographs.

Learned counsel for the petitioner contends that there is business/monetary dispute between the parties. A sum of Rs. 2,00,000/- was deposited in a business venture by the petitioner and subsequently, to evade her liability to repay the same, the false case has been got registered by her. The allegations with regard to the business/monetary dispute have been concealed in the FIR. Furthermore, the prosecutrix has given false address of Gurugram whereas in fact she is residing in Noida. Moreover, the allegations pertaining to commission of rape pertain to the period from August, 2020 to January 15, 2021 and the FIR has been lodged after a lapse of period of more than 01 year and 02 months. The relationship between the parties was consensual. As per the allegations, when the prosecutrix backed out, she was threatened by the petitioner that he will viral the

photographs. However, subsequently, there is no allegation with regard to any sexual intercourse much less forcible sexual intercourse.

Notice motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana accepts notice on behalf of the respondent-State and seeks time to get instructions in the matter.

On her request, adjourned to 02.09.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from L/ASI Rajjo, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the petitioner is not required and even cancellation report has been prepared in the instant case.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 20.05.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

10.11.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No