

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

(103)

CRM-M-27090-2022

Date of decision: 07.07.2022

Praveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Abhimanyu Kalsi, Advocate for the petitioner.

Ms. Mahima Yashpal, Deputy Advocate General,
Haryana for respondent-State.

Mr. Sushil Jain, Advocate for the complainant.

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SUVIR SEHGAL, J.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "the Code") seeking grant of anticipatory bail to the petitioner in FIR No.240 dated 30.04.2022, registered for offences under Sections 34, 376, 406 and 506 of Indian Penal Code, 1860, at Police Station Civil Line, Sonapat (Annexure P-1).

Version of the prosecution is that FIR (Annexure P-1) has been registered on the statement of a married lady on the allegation that her neighbor, Neetu, told her that her husband, Praveen (present petitioner) is a Tantrik Baba, and can help her conceive the second child. It is alleged that the petitioner asked her to perform many rituals and even instigated her against her husband and his family. He fleeced her and raped her on the

pretext of saving her husband's life. He told her not to disclose the incident to anyone as her family may get killed. Instances of sexual assault on 02.04.2022 and 18.04.2022 have been specifically mentioned by the complainant. Threatening her, he extracted a substantial amount of money and gold ornaments from her. On 20.04.2022, she confided in her husband, who confronted the accused, but instead the accused intimidated them.

Counsel for the petitioner has argued that the petitioner has been falsely implicated and FIR is an outcome of a financial dispute between the parties. Reliance has been placed by him upon interim orders dated 08.06.2022 and 14.06.2022, Annexures P-3 and P-4, passed by this Court, whereby co-accused, Amit Kumar and Neeshu (Neetu), have been granted interim protection by this Court.

Opposing the petition, learned State counsel, who is assisted by counsel for the complainant, has referred to the allegations in the FIR as well as the statement of the complainant recorded under Section 164 of the Code. She has argued that the petitioner is not entitled to the relief of anticipatory bail as the accused have duped the complainant of huge amount of money using the fear of witchcraft and has repeatedly raped the complainant and extended threats to her.

I have heard counsel for the parties and examined the submissions made by them.

By projecting that he possesses occult powers, petitioner won over the confidence of the complainant. Adopting deceit and trickery, he not only extorted money from her, but also repeatedly sexually exploited her. Allegations levelled in the FIR have been

duly supported in the statement recorded by the complainant before the Magistrate. Counsel for the petitioner has not been able to substantiate the argument of financial dispute between the parties. In any case, his argument would be examined during the course of the trial. Interim orders, Annexures P-3 and P-4 passed by this Court, will be of no help to the petitioner as the co-accused are not facing any allegation of sexual assault.

Keeping in view the nature of accusation and the gravity of offence allegedly committed by the petitioner, this Court is of the view that custodial interrogation of the petitioner is imperative and he is not entitled to the benefit of the discretionary relief of anticipatory bail. Petition is meritless and is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

07.07.2022
Pardeep

Whether speaking/ reasoned	Yes
Whether Reportable	Yes