

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

**CRM-M-33495-2022
Date of Decision: 24.11.2022**

**VISHAL VERMA ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajeev Kumar Gupta, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Nikhil Batta, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 01.09.2022 following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No.61 dated 30.06.2022 under Section 376(2)(n) IPC, registered at Police Station Dhakoli.

Learned counsel for the petitioner contends that false allegations have been levelled in the FIR to the effect that physical relations were developed on account of false pretext of solemnizing the marriage. The last incident, as per the FIR is dated 29.04.2022 and the matter was reported at the first instance with Panchkula Police after a delay of one month. Subsequently, the FIR has been transferred to district SAS Nagar, Mohali. The petitioner has solemnized marriage with another lady on 22.07.2022 and the prosecutrix was well aware of his marriage which is evident from the Whatsapp chat.

Learned State counsel and learned counsel for the complainant state that there are serious allegations of commission of rape on the false pretext of solemnizing marriage and the custodial interrogation of the petitioner is essential in the instant case. Even he had blocked the number of the prosecutrix on 29.04.2022.

It has not been disputed that at the earlier instance, there were consensual relationship between the parties for a period of about 2 years. The Whatsapp chats also indicate that the prosecutrix was well aware of the fact that the petitioner is going to solemnize the marriage with another girl.

Adjourned to 24.11.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the

event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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

Learned State counsel has not disputed the aforesaid factual aspect and has stated that custodial interrogation of the petitioner is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.09.2022 is made absolute.

The petition stands allowed.

24.11.2022

Janki

(VIVEK PURI)
JUDGE

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