

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

219

(Through Video Conferencing)

CRM-M-41910-2021

Date of decision: 21.01.2022

Major Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Thakur, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana
for the respondent-State.

Mr. L.S. Bhullar, Advocate for
Mr. K.S. Sidhu, Advocate
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.165 dated 30.08.2021 under Section 376 of the IPC registered at Police Station Women Ballabgarh, District Faridabad.

Learned counsel for the petitioner submits that the petitioner and the complainant, who is a married woman, were in a consensual relationship. It has been submitted that the complainant had been pressurizing the petitioner to solemnize marriage with her, however, he was reluctant as her first marriage was still subsisting. It has been submitted that the petitioner had categorically told the prosecutrix that only once her divorce with her first husband was granted he would marry her. However, as the prosecutrix was not

willing to wait any longer, she planted the instant case upon him wherein false allegations were levelled that on the pretext of getting her a job he had called her to a flat and thereafter committed rape upon her. Learned counsel further submits that soon thereafter the prosecutrix realized her mistake of planting a false case upon the petitioner and entered into a compromise dated 23.09.2021 which is annexed as Annexure P-2. Learned counsel further submits that in compliance of order dated 25.10.2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant on instructions from SI Seema, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency.

Learned counsel appearing for the complainant also does not dispute the submissions made by the counsel opposite.

Learned State counsel submits that the petitioner is not required for further investigation much less custodial interrogation.

In view of the above, the petition is allowed and interim order dated 25.10.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

21.01.2022

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(MANJARI NEHRU KAUL)
JUDGE

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