

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-44675-2021
Decided on : 14.02.2022

Nishant

..... Petitioner

Versus

UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahil Mahajan, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, APP
UT, Chandigarh.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.164 dated 15.09.2021 under Sections 376 and 420 IPC registered at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner states that the petitioner has since joined the investigation and cooperated with the investigating agency in compliance of order dated 26.10.2021, which was passed in the following terms:

“While inviting the attention of this Court to the allegations levelled in the FIR, annexed as Annexure P-1, learned counsel has submitted that a perusal of the same leaves no manner of doubt that it was essentially a consensual relationship between two mature adults, which lasted for about six years. It has been submitted that the petitioner had time and again been asking the prosecutrix to marry him, however, it was she who had been postponing marrying the petitioner on some pretext or the other. It has been submitted that since the prosecutrix was dilly-dallying, the petitioner told her that in case she was not keen to continue her relationship with him and marry him, he would then think of marrying some other girl. It has been further submitted that as the prosecutrix did not give any positive response to his proposal, he was left with no other choice but to get engaged to other girl. It was three months thereafter the prosecutrix in order to take wreak vengeance, planted the FIR in question on him by

levelling false and fabricated allegations. Further submitted that the petitioner has sufficient material in his possession to support his submissions of the parties having been in a consensual relationship between them.”

Learned State counsel on instructions does not dispute the factum of the petitioner having joined the investigation. He, on further instructions states that the petitioner is not required for further investigation.

In view of the above, the petition is allowed and interim order dated 26.10.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

14.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No