

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

CRM-M-44960-2019 (O&M)

Date of Decision: 05.08.2022

PRANJAL TIWARI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Naveen Malik, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

Mr. Shashi Sanker and Mr. Madan Sandhu, Advocates
for respondent No.2.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No.
81 dated 29.06.2019 under Sections 376(2)(n), 406 IPC, registered at Police
Station Women, Sector 51, Gurugram, Haryana.

On 22.10.2019, following order was passed:

“Notice of motion for 6.2.2020.

Meanwhile, in the event of arrest, the petitioner be
released on interim bail subject to his furnishing personal
bonds and surety bonds to the satisfaction of
Arresting/Investigating Officer. However, the petitioner
shall join the investigation as and when called upon to do
so and cooperate with the Investigating Officer and shall
also abide by the conditions as provided under Section 438
(2) Cr.P.C.”

Learned counsel for the petitioner contends that the prosecutrix
is a Chartered Accountant and was on friendly terms with the wife of the
petitioner. There was some monetary dispute between the parties and on
that score, the FIR has been lodged on the basis of false and concocted

allegations. The petitioner was already a married man and it sounds improbable that he could have allured the prosecutrix for developing physical relations on the false pretext of solemnizing marriage. Moreover, the prosecutrix had submitted an application, Annexure R-2 alleging that the petitioner had been stalking during the course of interim bail and the said allegation has been found to be not substantiated by the Police authorities. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court. Furthermore, the allegation of commission of sexual intercourse are not supported with any medical evidence. She further contends that the allegations with regard to procuring of signatures on blank papers on the pretext of raising loan cannot be accepted particularly, because the prosecutrix is a qualified Chartered Accountant.

Learned State counsel, on instructions of ASI Surekha submits that the petitioner has joined the investigation and his custodial interrogation is not required. Moreover, the allegation with regard to the stalking as projected in the application, Annexure R-2 have also been enquired into by the Police and the same are not found to be substantiated qua the petitioner.

Learned counsel for the complainant has opposed the bail application and argues that even after getting the interim protection the petitioner had been stalking the prosecutrix. Though the petitioner is married but he represented that he will give divorce to his wife. Furthermore, there are serious allegations levelled against him.

It may be mentioned here that the allegations with regard to stalking during the course of interim protection have been found to be not substantiated in the enquiry conducted by the Police authorities. The

petitioner is a married man and it will be a debatable and moot point during the course of trial as to whether he could have allured an educated lady to have sexual intercourse on the false pretext of marriage. The petitioner has joined the investigation in pursuance of the interim directions and his custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 22.10.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

05.08.2022

Janki

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