

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

204

**CRM-M-51390-2019
Decided on : 31.01.2022**

Kalidas

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Chand Sood, Advocate for
Mr. G.S. Bedi, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Neeraj Saini, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking concession of anticipatory bail in case FIR No. 135, dated 09.11.2019, lodged under Sections 376(2)(n), 506, 313 of IPC, registered at Mahila Police Station, Sector 51, Gurugram (annexed as Annexure P-1).

Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR in question (Annexure P-1) submits that it was apparent that the prosecutrix had been in a consensual relationship with the petitioner. He further submits that even after the petitioner expressed his inability to marry the prosecutrix, she still continued having physical relations with him. Learned counsel submits that in the circumstances, he could not be held liable for the commission of the offence under Section 376 of IPC.

Vide order dated 14.01.2020, the parties had been relegated to the Mediation and Conciliation Centre of this Court on the request of the petitioner, for exploring the possibility of an amicable settlement, which however, could not fructify.

Learned State counsel assisted by learned counsel for the

complainant while opposing the prayer and submissions of the petitioner, submits that after the registration of the FIR in question, the petitioner solemnized marriage with the prosecutrix at Arya Samaj Mandir, Delhi. However, after the marriage, the prosecutrix learnt that not only was the petitioner already married but also had a child. Learned State counsel submits that it was thus, obvious that just to wriggle out of the instant criminal case, the petitioner had married the prosecutrix and again played a fraud upon her. Learned State counsel has prayed for the dismissal of the instant petition, as the custodial interrogation of the petitioner is required.

Heard learned counsel for the parties and perused the material on record.

Prima facie, there are serious and specific allegations levelled against the petitioner of having extended false promises of marriage to the prosecutrix and of having established physical relationship. Not only this, even as per the status report dated 19.01.2022, filed by way of affidavit of Aman Yadav, HPS, Assistant Commissioner of Police, CAW East, Gurugram, the petitioner had indeed solemnized marriage with the prosecutrix after the registration of the FIR in question, after concealing the factum of his already subsisting marriage.

In the facts and circumstances, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 31, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*