

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

101+206

**CRM-M-55324-2019 (O&M)
Decided on : 10.01.2022**

Praveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(through video conferencing)

Present : Mr. Sandeep Kumar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Inder Singh Gahlawat, Advocate
for the complainant.

Manjari Nehru Kaul, J. (Oral)

CRM-23873-2021

Application is allowed and the Annexures P-7 to P-11 filed along with the application are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-55324-2019 (O&M)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.134 dated 31.10.2019 under Section 376(2)(n), 328, 366, 379(a) 506 and 313 IPC 1860 registered at Police Station Women Narnaul, District Mohindergarh.

Learned counsel for the petitioner submits that the relationship between the petitioner and the prosecutrix was essentially a consensual relationship between two mature adults. On 01.06.2019, when the prosecutrix left her home, it was her father who lodged an FIR No. 268,

dated 02.06.2019, under Section 346 IPC (Annexure P-1), wherein, he alleged that his married daughter i.e. the prosecutrix had been kidnapped by some person. However, soon thereafter, the prosecutrix got recorded her statement under Section 164 Cr.P.C. on 07.06.2019, in the following terms:-

“On 31.05.2019 my husband and in-laws came to know and I am in relationship with Parveen R/o Gagawas then I became upset and on 06.01.2019 I left my home and went to Rewari, Jaipur and Shirdi. When I contact Parveen then came to know that present case has been registered against him. Then I came back. I want to live with Parveen. I am pregnant with child of Parveen.”

Learned counsel in support has drawn the attention of this Court to Annexure P-2, which is the statement of the prosecutrix recorded under Section 164 Cr.P.C.

Learned counsel while inviting the attention of this Court to Annexure P-4, contends that the prosecutrix was sent to the Nari Niketan in the wake of the allegations levelled by her against her father and husband. Later, by way of CRWP No. 622 of 2019, the prosecutrix approached this Court for seeking her release from the Nari Niketan. However, the aforementioned CRWP was rendered infructuous in the wake of her release from the Nari Niketan on 09.08.2019 on the orders of the Deputy Commissioner, Narnaul.

Learned counsel contends that it was thus evident that under the pressure of her family and for reasons but obvious, the prosecutrix had been compelled to level false and fabricated allegations against the petitioner of raping her and snatching her gold ornaments etc.

Learned counsel submits that pursuant to order dated 24.12.2019, passed by this Court, the petitioner has joined the investigation and cooperated with the investigating agency.

Learned State counsel assisted by counsel for the complainant on instructions from PSI Sushila does not dispute the factum of the petitioner having joined the investigation. She, 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 24.12.2019, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

10.01.2022
sonia/J.Ram

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No