

CRM-M-1920-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1920-2023 (O&M)

Date of Decision:- 27.03.2023

Rohit Kumar Yadav

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Archit Upadhayay, Advocate for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

Mr. Bhavnik Mehta and Mr. Aditya, Advocates
for the complainant.

AMARJOT BHATTI, J. (Oral)

CRM-13856-2023

This is an application filed by the counsel for the petitioner under Section 482 Cr.P.C. seeking permission to place on record additional documents (Anneuxre P-6 to P-8).

Learned counsel for the petitioner states that he does not want to pursue the present application and withdraws the same.

In view of the statement, the present application stands dismissed as withdrawn.

CRM-M-1920-2023

The petitioner – Rohit Kumar Yadav has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.

95 dated 18.12.2022 under Sections 376(2)(n) & 506 of the IPC registered

at Women Police Station, Sector 51, Gurugram, Haryana.

The facts of the case are that the prosecutrix gave her statement to the police that she met Rohit Yadav in the year 2014 and he proposed to marry her in the year 2016. He developed physical relations with her on the pretext of marriage. She was taken to different hotels. During this period, she conceived four times and all the time, the abortion was done. The last abortion was done in a hospital in Sector 15. Thereafter, he started ignoring her. She met him and checked his mobile phone and she came to know that he was going to marry another girl. On inquiry, he quarreled with her and told her not to interfere in his personal life. She further came to know that he was having relationship with other girls also. Ultimately, the matter was reported to the police. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that he is falsely implicated in this case. They were merely friends and were talking to each other. In the year 2019, due to temperamental differences and behaviour, they stopped talking to each other. In April 2020, he again came in touch with the prosecutrix. In the month of January-February 2020, he was in contact with another girl and their *roka* ceremony took place on 09.10.2022. The prosecutrix started sending text from fake Instragram ID. She had sent their photographs to the other girl with whom he was engaged. He never exploited the prosecutrix on pretext of marriage. He has also placed on record the extract of telephonic conversion, Annexure P-2 and P-3 along with a CD. The petitioner is falsely implicated in this case. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State as well as learned counsel for the complainant. It is argued that there are specific serious allegations against the present petitioner who is yet to join the investigation. Even he has not denied his relationship with the prosecutrix. There is medical record in support of the allegations of the prosecutrix. It is prayed that anticipatory bail application filed by him may be dismissed.

The learned counsel representing the State has also filed detailed status report regarding the allegations levelled by the prosecutrix. Considering the gravity of offence, he is not entitled to be released on anticipatory bail.

I have considered the arguments advanced before me. I have also gone through the record. The prosecutrix has levelled serious allegations of rape on the pretext of marriage and her sexual exploitation for long years and during this period, she claimed that she conceived four times and was forced for abortion. In the anticipatory bail application filed by the petitioner, he alleged that they were merely friends and on account of temperamental differences, they went apart in the year 2019. There are specific serious allegations against the present petitioner who is yet to join the investigation. Considering the gravity of offence and the facts narrated above, I do not find a fit case for grant of anticipatory bail to the petitioner – Rohit Kumar Yadav and the same is accordingly, declined.

27.03.2023

*lalit***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No