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

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Date of decision : 10.04.2023

Raman Nayyar @ Raman Kumar

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G.Punjab.

AMARJOT BHATTI J. (ORAL)

The petitioner-Raman Nayyar @ Raman Kumar has filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 513 dated 15.12.2022, under Section 376 of IPC, registered at Police Station Division No.7, District Ludhiana.

The facts of the case are that the proxecutrix gave her statement to the police that she is about 34 years of age. Raman Nayyar @ Raman Kumar maintained physical relations with her on the pretext of marriage by projecting himself to be unmarried from the year 2008 to 2020. She came to know about the family of Raman Nayyar @ Raman Kumar and filed complaints against him but no action was taken. She filed one complaint in the court which is under consideration. In October, 2022 on the pretext of business dealings he again started meeting her. On 12.12.2022, he called her for making payment at 5:00 PM in Samrala Chowk. She was made to sit in a car Wagon R, colour sky blue and was taken to Samrala for payment. He also wanted to talk to her regarding compromise on their wayback. Raman Nayyar @ Raman Kumar started pressurizing her to make physical relations

to which she refused but even then he raped her in the car. She prayed that legal action be taken against him.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. She is 34 years old whereas the petitioner is 49 years of age. He is running a shop of readymade garments at Ludhiana. The complainant used to visit his shop to sell readymade capries and trousers. His wife and children used to remain in the shop. They started having physical relations with mutual consent. They were known to each other from the year 2008 till 2021 when the complaint was filed against him. He never projected himself to be unmarried. Earlier a complaint was filed against him which was enquired by the police and the allegations were found to be false. The said report is Annexure P-2. Thereafter, she had filed a complaint, which was withdrawn by her. Now again she has filed another complaint levelling false allegations. He is ready to join the investigation as and when required. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State. Detailed status report is also filed. However, it is admitted that he has joined the investigation on 31.01.2023 and his Penile Test was got conducted from Civil Hospital, Ludhiana and blood samples were taken and sent for DNA test. The report of Chemical Examiner is awaited. However, it is pointed out that considering the gravity of offence he is not entitled to be released on bail.

I have considered the arguments and have gone through the record. The complainant herself admitted that she was in relationship with the petitioner from 2008 till 2020. The facts of the case indicate that she filed a complaint against the petitioner in which the report was called from the police station. The

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said report dated 27.09.2021 is Annexure P-2. Thereafter, she has mentioned about another incident when she was allegedly raped on 12.12.2022. As per the status report, petitioner has already joined the investigation on 31.01.2023 and fully cooperated in the investigation. Considering these facts no purpose would be served by keeping the petitioner behind the bars. Therefore, the anticipatory bail application filed by the petitioner is allowed. He be not arrested. In case he is arrested, he be released on bail to the satisfaction of Investigation Officer/Arresting Officer subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly accepted.

(AMARJOT BHATTI)
JUDGE

10.04.2023.
Sunil Devi

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