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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1827-2023

Date of Decision:- 03.03.2023

ROBIN KHAN

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Munfaid Khan, Advocate for the petitioner.

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

Mr. Satish Chaudhary, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Robin Khan has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 263 dated 19.07.2022 under Sections 376, 212 and 506 of the IPC registered at Police Station Ferozepur Jhirka, District Nuh.

The facts of the case are that the prosecutrix, aged about 19 years gave her statement to the police that her marriage was performed about one year ago. On the festival of Eid-Ul-Zuha, she went to her parents house. On 11.07.2022, at about 11:00 P.M, she came out in the field behind her house to urinate. The accused was already present there who caught hold of her forcibly and raped her without her consent. He clicked some of her objectionable photographs. Even thereafter, by giving threat of said photographs, he continued committing rape with her. He was threatening to defame her in the society. Thereafter, the accused had sent the said photographs on the mobile phones of her brother and husband

with the intention to defame her. Due to this, she was turned out of the

house by her husband. With these allegations, present case has been registered.

Learned counsel for the petitioner argued that there is a delay of 8 days in lodging the FIR. In fact, the prosecutrix and the petitioner were having consensual relationship prior to the marriage. The allegations of rape are false and without any basis. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

The status report is filed in which the bail application is opposed. It is pointed out that the statement of victim has been recorded under Section 164 Cr.P.C, Annexure R-1 in which she has supported her version. The investigation is going on. The report of Forensic Science Laboratory has been received, which is Annexure R-2. Human semen was detected on the clothes and from the exhibits tested in the laboratory. Therefore, considering the gravity of offence, he is not entitled to the relief of anticipatory bail.

I have considered the arguments and have gone through the record. The prosecutrix has levelled specific serious allegations against the present petitioner. The investigation is going on. The prosecutrix was medically examined and her statement was also recorded before the Magistrate under Section 164 Cr.P.C. The report of Forensic Science Laboratory supports the prosecution version. The petitioner is yet to join the investigation. Considering the gravity of offence, I do not find a fit case for grant of anticipatory bail to the petitioner – Robin Khan and the same is accordingly, declined.

03.03.2023
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(AMARJOT BHATTI)
JUDGE