

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

CRM-M-3503-2023

Date of Decision: 13.03.2023

Amar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Garvit Mittal, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

HARNARESH SINGH GILL, J.

This is the second petition for grant of regular bail in case bearing FIR No. 181 dated 09.06.2020, registered under Sections 354, 376, 509, 34, IPC registered at Police Station Chandimandir, Panchkula. The earlier bail application was dismissed vide order dated 16.10.2020 passed by this Court.

Learned counsel for the petitioner would argue that the relationship between the petitioner and the prosecutrix was consensual one and the said fact has also been admitted by the prosecutrix in her examination-in-chief before the trial Court. It is further submitted that the prosecutrix had alleged in the FIR that the petitioner had intimated, blackmailed and committed sexual intercourse with her under the threat of making public her nude photographs, but during investigation, it was found that there were no such photographs in the mobile phone of the petitioner. Still further, it is argued that during or post registration of the FIR, no medical examination of the prosecutrix was got done. It is yet further submitted that the petitioner has been in custody since 10.06.2020.

On the other hand, the learned State counsel would submit that the petitioner had sexual intercourse with the prosecutrix by concealing the fact that he was already married and when this fact came to her notice, she had started distancing herself from the petitioner, but the petitioner had started blackmailing and threatening her under the fear of him making her nude photographs public. She further states that not only this, the petitioner had also told accused Sanjeev, the factum of his physical relationship with the prosecutrix and said Sanjeev told the same to accused Pawan and that both of them (Sanjeev and Pawan) used to taunt and harass the prosecutrix for her relationship with the petitioner.

I have heard the learned counsel for the parties.

The earlier bail petition filed by the petitioner was dismissed by this court vide order dated 16.10.2020.

A perusal of the examination-in-chief of the prosecutrix would reveal that she has specifically stated that she had developed love affair with the petitioner, but when she came to know that the petitioner was already married, she decided not to continue with such relationship with the petitioner; that the petitioner had put her under the threat that he had her nude photographs and in case, she desisted from her relationship with the petitioner, he would disclose it to her family members and relations; that under this threat he had committed repeated sexual intercourse with the prosecutrix; that not only this, the petitioner had also disclosed about it to accused Sanjeev, who also told the prosecutrix that in case she did not agree to make illicit relations with him, he would disclose this fact to the brother-in-law (Jija) of the prosecutrix. She has further deposed in her testimony that someone out of the three accused i.e. the petitioner, Sanjeev and Pawan, had created a fake ID on the social media and uploaded onto it the photographs of the prosecutrix.

The allegations against the petitioner are serious in nature. The repeated acts of sexual intercourse by petitioner post the complainant's coming to know about him having already been married and her denial to continue with such relationship, totally obliterates the stand of the petitioner that the relationship between the petitioner and the prosecutrix was consensual. Still further, the petitioner's conduct in telling accused Sanjeev, who in turn disclosed it to accused-Pawan, and the further act of theirs in uploading the photographs of the prosecutrix on social media, by creating a fake ID make the offences more graver.

In view of the above, no case for grant of bail to the petitioner, is made out.

Dismissed.

13.03.2023
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No