

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 101

Criminal Miscellaneous No.M-4708 of 2023

Date of Decision: January 31, 2023

Jitendra Sain

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Manish Verma, Advocate, for the petitioner.

Ms. Mahima Yashpal, Deputy Advocate General,
Haryana.

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Tribhuvan Dahiya, J (Oral)

This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.393 dated 17.11.2022 under Sections 323, 376(2)(N), 506 IPC registered at Police Station, Sector-14, Gurugram.

The allegations as per the FIR lodged by the complainant/victim are that she got acquainted with the petitioner through a Tinder social site, and, thereafter, they started meeting each other. They had physical relations also. But only after some time, the complainant came to know that the petitioner was already married, having a son also. He threatened to viral her objectionable photographs on social site, and also took ₹ 10 lac from her by blackmailing.

Learned counsel for the petitioner has argued that the offence under Section 376(2)(n) IPC is not made out against the petitioner as

the relationship between the two was consensual. They had come to know each other through social media site and willingly stayed together.

Learned State counsel appears on advance notice and states, on instructions from L/ASI Sonika, that complainant’s statement under Section 164 Cr.P.C. has been recorded wherein she has clearly implicated the petitioner. The allegations against him are that by concealing the fact of his being already married, he entered into relationship with the complainant on the pretext of marrying her, and threatened her later when he was exposed. There are transactions transferring money by the complainant in the petitioner’s account also. The complainant’s objectionable photographs and videos are in possession of the petitioner, and his custodial interrogation is required to ascertain the facts and recover the said videos and photographs.

Keeping in view the serious nature of the allegations against the petitioner as also the fact that the investigation of the case is at initial stage, no case is made out to release the petitioner on pre-arrest bail. Possibility of his tempering with the evidence or influencing the witnesses cannot be ruled out.

Dismissed.

(Tribhuvan Dahiya)
Judge

January 31, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No