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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 10.04.2023

Manoj Sharma

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

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

Mr. P.S.Jammu, Advocate for the complainant.

AMARJOT BHATTI J. (ORAL)

The petitioner-Manoj Sharma has filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 14 dated 24.02.2023, under Sections 376(2)(n), 406 of IPC, registered at Police Station Jind, District Jind.

The facts of the case are that the prosecutrix stated that her husband was having friendly relations with constable Manoj Sharma. Her husband expired on 29.01.2021. The accused assured to marry her. He took 10 tolas of gold and repeatedly raped her on the pretext of marriage. Thereafter, he started saying that he could not marry her as he is having a wife and children. She was sexually exploited for the last about one and a half years. She had filed a complaint on 04.05.2022 in Women Police Station, Jind through e-mail. The accused threatened to commit suicide by consuming Sulphas tablets. She withdrew that complaint under pressure. The prosecutrix prayed for action against petitioner-Manoj Sharma.

Learned counsel for the petitioner argued that the complainant is a matured lady. She has levelled false allegations against him. In fact, the petitioner is a victim of honey trap and his wife has also filed a complaint to the police authorities.

The facts of the case indicate that he was known to the family of prosecutrix. He is a married man having two children. It is wrongly claimed that she was not aware of his marriage. In fact the prosecutrix extorted money and started blackmailing him. The earlier complaint was withdrawn by her. Copy of affidavit is Annexure P-4. After the compromise, she again started harassing him to extort money. The complaint filed by the petitioner to the SHO Police Station City Jind is Annexure P-5. The complaint filed by him against Sapna Rani is Annexure P-6. He has placed on record the extract of money transfers in favour of complainant (Annexure P-7). He has also placed on record the photographs of the petitioner with the complainant (Annexure P-8). All the allegations are false. 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. It is argued that it was the petitioner who was extorting money from the complainant. She was engaged with some other person but the said engagement was broken as the petitioner had sent messages to the family where she was engaged. The extract of message and the photographs are Annexure R-2/1. The copies of money transaction are Annexure R-2/3. It is prayed that even after the registration of FIR, the petitioner has continued to threaten her. Therefore, he is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record. Admittedly the present petitioner is a police constable serving in disciplined force. The complainant has levelled serious allegations of repeated rape on the pretext of getting married. As per her version, she was physically exploited for the last one and a half year. It is further alleged that when she got engaged with some other person. The petitioner broke her engagement by sending objectionable photographs in a message to that family. The petitioner claimed that it was the complainant who was

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extorting money from him whereas the complainant alleged that she was being blackmailed and it was he who was extorting money from her and also took away 10 *tolas* of gold. Even after the registration of FIR the complainant categorically stated that she is being threatened by the present petitioner. There are serious allegations against the present petitioner. He is yet to join the investigation. Considering the gravity of offence, I do not find a fit case for anticipatory bail and the same is accordingly declined.

The petition is accordingly declined.

(AMARJOT BHATTI)
JUDGE

10.04.2023.
Sunil Devi

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