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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22305-2022

Date of Decision:- 18.04.2023

Manoj

...Petitioner

Vs.

State of U.T., Chandigarh

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Ms. Monika Jangra, Advocate
for the petitioner.

Ms. Ananya Ahluwalia, Advocate
for Mr. Sumit Jain, Addl. PP, UT, Chandigarh.

Mr. Brijesh, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Manoj has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 63 dated 24.03.2022 under Section 376 of IPC, registered at Police Station Sector 17, Chandigarh.

The facts of the case are that prosecutrix gave her statement to the police that she is 40 years of age and residing with her parents at #01193 Block 6, Singha Devi Colony, Nanda Road, Naya Gaon, SAS Nagar Mohali. Earlier, she was residing in Sector 16-D, Chandigarh, whereas, the family of Manoj was also residing in the same sector. She knew Manoj Kumar since 2012 and they used to talk with each other. They fell in love and started meeting. Her father retired in the year 2016 and shifted to other place. On 03.10.2017, the parents of Manoj came to their house for engagement and thereafter, the engagement ceremony took place

on 30.04.2018. Her elder brother went to the house of Manoj for fixing the date of marriage and on this occasion, car was demanded in dowry. On the request of her brother, the marriage was fixed for 29.01.2019. On 28.12.2018, her brother expired suddenly, as a result, the marriage could not be performed. Manoj maintained physical relations with her by saying that they were to get married. Ultimately, when the parents of Manoj were requested to fix the date for marriage, they refused. On 11.08.2021, Manoj called the prosecutrix to Naya Gaon for showing his house. Even there, he maintained physical relations with her. Despite all this, he refused to marry her. With these allegations, present FIR was registered.

Learned counsel for the petitioner denied the allegations. It is pointed out that there was no such promise to perform marriage. Copies of Whatsapp chat are placed on record as Annexure P-2. It is pointed out that both the complainant and petitioner were married. There was no allurements of marriage. He has already joined the investigation and is not required for any other purpose. Therefore, the *ad interim* bail already granted in his favour may be confirmed.

Bail application is opposed by learned counsel for the complainant as well as learned counsel representing UT, Chandigarh. It is pointed out that the phone used by Manoj is yet to be recovered. Therefore, he is required to join the investigation.

I have considered the arguments and have gone through the record. So far as the authenticity of Whatsapp chat is concerned, that can be checked from the mobile phone of the complainant also. The present petitioner has already joined the investigation. Both the petitioner and the complainant are mature. Considering the facts of the case as referred

above, in my opinion, no custodial interrogation is required. Therefore, the anticipatory bail application filed by the petitioner – Manoj is allowed and the *ad interim* bail already granted in his favour vide order dated 20.09.2022 stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly, accepted.

18.04.2023
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(AMARJOT BHATTI)
JUDGE

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