

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-26218-2022

Date of decision : 03.05.2023

Bhudev

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Bhisham Kumar, Advocate for the petitioner.

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

Mr. Rahul Singh, Advocate for the complainant.

AMARJOT BHATTI J. (ORAL)

The petitioner-Bhudev has filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 45 dated 28.04.2022, under Sections 376(2)(n), 506 of IPC, registered at Women Police Station Palwal, District Palwal.

The facts of the case are that the prosecutrix gave her statement to the police that Bhudev was committing rape with her for the last 6 months by putting her under the threat that he would kill her and her family. Ultimately, she was fed up and could not bear no more and disclosed this fact to the family, on the basis of which present FIR has been registered. The statement of victim who is 21 years of age was recorded under Section 164 Cr.P.C., in which she confirmed the aforesaid allegations.

Learned counsel for the petitioner argued that all the allegations are false. He has referred to another FIR No.115 dated 27.04.2022, registered under Sections 148, 149, 323, 452, of IPC at Police Station Mundkati, District Palwal and it is argued that the present FIR is counterblast to the aforesaid FIR. In fact there was consensual relationship between the petitioner and the alleged victim. He is having

large number of letters written by the said victim. He has already joined the investigation and even the police does not require him for any purpose. Therefore, the ad-interim bail already granted in his favour may be allowed.

On the other hand learned State counsel assisted by learned counsel for the complainant opposed the bail application by alleging that the allegations are specific and serious in nature. Therefore, he is not entitled to the concession of anticipatory bail. The detailed status report is also placed on record along with the statement of the victim recorded under Section 164 Cr.P.C (Annexure R-1). It is admitted that the petitioner has joined the investigation on 28.06.2022. It is further mentioned in para No.6 of the status report that the petitioner has confessed to have committed the crime. It is further mentioned that the petitioner produced 07 original letters purportedly sent by the prosecutrix. The prosecutrix was confronted with these letters, where she admitted the said letters but it is claimed that these letters were got written from her by putting her under threat.

I have considered the arguments and have gone through the record carefully. The prosecutrix has levelled specific serious allegations of repeated rape against the present petitioner who is a man of 40 years of age. So far as the registration of FIR (Annexure P-2) got registered by him against Satbir and others that will be decided on its merits. In the present case the allegations are serious in nature and thorough investigation is required. 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

03.05.2023.
Sunil Devi

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