

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-30339-2023
Date of Decision.:13.06.2023

Amit Kumar Bhardwaj
Vs.

.....Petitioner

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Atul Ravish, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.212 dated 03.04.2023 registered under Sections 313, 354-A, 376(2)(n), 506/34 of the IPC registered at Police Station Sector - 10, Gurugram, Haryana.

2. FIR was lodged on the complaint made by the prosecutrix as per which she was working with Property Point Pvt. Ltd. Company, Gurugram belonging to one Anil Chawla, where the petitioner Amit Kumar Bhardwaj was also working. Petitioner and the complainant became friends and used to stay in one room. It was alleged that on the pretext of marriage, petitioner established physical relations with her. She became pregnant. Petitioner provided some medicines, causing miscarriage. Petitioner then went to his home in Himachal Pradesh on the pretext of illness of his father and when she called him, his mother assured to get both of them married. Later on, petitioner refused to even recognize the prosecutrix. It is further alleged that she was tortured physically as well as mentally by the petitioner and co-accused Anil Chawla.

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3. It is contended by the petitioner that he and the prosecutrix are husband-wife, having solemnized the marriage on 16.06.2022, regarding which petitioner had executed an affidavit dated 23.06.2022.

4. It is further submitted that prosecutrix even got declared her marriage with the petitioner published in a newspaper (Annexure P-4) and gave an affidavit dated 14.02.2023 (Annexure P-3). Prosecutrix is a mature lady of 36 years and there could be no question of forcibly establishing physical relations with her. Petitioner had earlier applied for anticipatory bail before Additional Sessions Court, Gurugram. Although he was granted benefit of interim anticipatory bail vide order dated 21.04.2023 (Annexure P-5) but later on, his bail petition has been rejected vide order dated 02.06.2023 (Annexure P-6).

5. Notice of motion.

6. Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of respondent- State.

7. Learned State counsel drawn attention towards the orders dated 21.04.2023 and 02.06.2023 (Annexure P-5 and Annexure P-6) respectively passed by learned Additional Sessions Judge, Gurugram in order to contend that petitioner was initially granted the benefit of interim anticipatory bail with the condition that he shall join the investigation. As observed by learned Additional Session Judge in his order dated 02.06.2023, though petitioner joined the investigation but failed to produce any proof regarding any marriage ceremony between him and the prosecutrix. Further during interrogation petitioner denied any marriage between him and the prosecutrix. Not only this petitioner admitted the audio conversations with

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the prosecutrix wherein he admitted to have established physical relations with the prosecutrix, in spite of her objections, on the pretext of marrying her later on. It is further observed that petitioner did not even give his old mobile phone to the Investigating Officer.

8. It is submitted by learned counsel for the petitioner that petitioner is ready to perform marriage with the prosecutrix and that he be given opportunity to join the investigation.

9. Having considered submissions of both the sides, this Court is of the opinion that petitioner does not deserve to be given benefit of anticipatory bail. As has been observed earlier, he had been given the benefit of interim anticipatory bail by the Court of learned Additional Sessions Judge, Gurugram but he did not cooperate during the investigation. Though he took the plea of his marriage with the prosecutrix but failed to produce any proof in this regard and rather denied any marriage between him and the prosecutrix. It is only when he realized that he is not going to get any benefit of bail, he came forward with the plea that he is ready to perform marriage with the prosecutrix.

10. Considering the aforesaid circumstances but without commenting anything on the merits of the case, present petition is hereby dismissed.

June 13, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No