

CRM-M-36982-2022 and 2 other connected

2023:PHHC:048595
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1)

CRM-M-36982-2022
Date of Decision:- 10.04.2023

BABEETA ...Petitioner

Vs.

STATE OF HARYANA ...Respondent

(2)

CRM-M-38086-2022
Date of Decision:- 10.04.2023

SATESH @ SANTOSH AND ANR. ...Petitioners

Vs.

STATE OF HARYANA ...Respondent

(3)

CRM-M-45186-2022
Date of Decision:- 10.04.2023

GAURAV ...Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. G.S. Sandhu, Advocate
for the petitioners.

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

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AMARJOT BHATTI, J. (Oral)

The petitioners – Babeeta and Gaurav have filed separate petitions and petitioners Satesh @ Santosh and Shivani have filed common petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 373 dated 06.04.2022, under Section 346 of IPC and Section 376(2)(n), 376(D), 323, 328, 506, 120-B of IPC (which were added later on), registered at Police Station Barwala, District Hisar. These petitions have arisen out of the same FIR, therefore, are taken up together for disposal.

The facts of the case are that the complainant - Shamsher gave his statement to the police that on 04.04.2022 at about 08:00 A.M, his daughter i.e. the victim had gone to her college at Barwala and thereafter, she did not return home. Her date of birth is 02.09.2003. He requested to search his daughter. With these allegations, the present FIR was registered under Section 346 of IPC. The investigation was started. On 07.07.2022, the victim along with the complainant i.e. her father and mother came to the police station and her statement was recorded in the presence of Legal Aid Sheela Rathi. The victim disclosed that about one year ago, she came in contact with Gaurav who used to visit their house to collect installments on behalf of finance company. He got his sister Shivani to talk to victim and as a result of which, Gaurav also developed friendly relations with victim. In January 2022, she was present alone in the house when Gaurav developed physical relations with her forcibly and threatened not to disclose anyone. He visited her house several times in the absence of her family members and used to maintain physical relations forcibly. She did not disclose this fact to anybody out of fear. On 04.04.2022, the victim received a call from Shivani, sister of Gaurav to bring the clothes at Bus

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Stand Barwala. She came to Bus Stand Barwala without telling anybody. Shivani and her husband Neetu met her at Bus Stand Barwala in a white coloured car. She was given some cold drink, laced with some intoxicant. She became unconscious. She found herself in the chamber of an Advocate at Muzaffarnagar where her signatures were obtained on some blank documents. Gaurav took her to different places. On 03.05.2022, Vishesh – maternal uncle of Gaurav, Neetu – brother-in-law of Gaurav and Gaurav developed physical relations with her forcibly at Village Pachenda Kalan. Babeeta – maternal aunt of Gaurav, Satesh and sister Shivani threatened her and gave her beatings. On 06.07.2022, she managed to escape and reached Bus Stand Panipat and informed her family. With these allegations, the offence under Section 376(2)(n), 376(D), 323, 328, 506 and 120-B of IPC were added. She was medically examined. Her statement was also recorded under Section 164 Cr.P.C.

Learned counsel for the petitioners argued that they are falsely implicated in this case. In fact, the said victim performed marriage with Gaurav at Tejalhera, District Muzzafarnagar. The Marriage Certificate is Annexure P-1. The copies of Aadhaar Card of Gaurav and the victim are produced as Annexure P-2 and Annexure P-3 respectively, according to which both of them are major. They had also filed a writ petition No. 10156 of 2022 seeking protection. Copy of order dated 18.04.2022 is Annexure P-4. The victim also filed a complaint against her family members in which her statement was recorded. Copy of the said statement is Annexure P-5. Therefore, all the allegations levelled against them are false. They have already joined the investigation and they are still ready to do so. A false FIR has been registered and a wrong statement is given by

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the victim under pressure.

On the other hand, learned counsel representing the State filed detailed status report. It is pointed out that all the petitioners have joined the investigation. The allegations are serious in nature. Certain facts are still to be verified. Considering the gravity of offence, the petitioners are not entitled to the relief of anticipatory bail.

I have considered the arguments and have gone through the record carefully. In the case in hand, the Aadhaar Card of the victim is produced which is Annexure P-3, according to which her date of birth is 02.09.2003. Therefore, she was major at the time of alleged offence. As per the facts stated by the complainant i.e. the father of victim, she left the house on 04.04.2022 and there is a Marriage Certificate Annexure P-1, according to which, the marriage was performed on the same day. There is a copy of order dated 18.04.2022 Annexure P-4 seeking protection by filing a writ petition. There is statement of victim recorded in a complaint case dated 25.04.2022, which is Annexure P-5. Apart from this, petitioners- Babeeta, Shivani and Satesh @ Santosh have already joined the investigation on 26.12.2022, whereas, petitioner - Gaurav has also joined the investigation on 17.03.2023. They are still ready to abide by the terms of bail order. Considering the aforesaid documents and the facts of the case, the anticipatory bail applications filed by the petitioners – Babeeta, Satesh @ Santosh, Shivani and Gaurav are allowed. They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Arresting Officer/Investigating Officer, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

The petitions are accordingly, accepted.

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Photocopy of this order be placed on the file of each of the
connected cases.

10.04.2023
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(AMARJOT BHATTI)
JUDGE

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