

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-38531-2023

Date of Decision: 11.08.2023

Ankush Mehta

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Harsh Chopra, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 31 dated 14.02.2023 registered under Section 376(2)(n) and 406 IPC at Police Station DLF Phase-III Gurugram, District Gurugram.

Briefly, the aforesaid FIR was registered on the basis of written complaint moved by the complainant/prosecutrix stating therein that she is permanent resident of Gorubathan, Darjeeling, West Bengal and was working for Task US Company as a Customer Service Associate at Sector-72, Gurugram and the petitioner was also working with the said company. In March, 2022, she met the petitioner through company contacts and connected with him through Whatsapp for the first time and then frequent conversations began between them, thereby developing a strong bond between them. As per allegations made in the FIR, the petitioner established physical relations with the prosecutrix on the

pretext of false promise of marriage and later on, he refused to marry the prosecutrix. Further also, the petitioner had committed criminal breach of trust in respect of money taken by him from the prosecutrix. The petitioner on several occasions emotionally exploited the prosecutrix and asked for financial help from her. With these broad allegations, formal FIR was registered against the petitioner.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. The petitioner and the prosecutrix were colleagues in the same company and came into a consensual relationship. The petitioner is 33 years old; and the prosecutrix is about 30 years of age. Admittedly, the petitioner had borrowed some money from the prosecutrix and has full intention to return the same to the prosecutrix, immediately after being released from the jail.

Learned counsel submits that it is case of the prosecutrix herself as set out in the FIR that she used to meet the petitioner at Mohali and that he was adamant to end their relationship, but after lot of efforts from her, he got convinced not to end the relationship. It is stated that accordingly, the allegations of rape are absolutely false. Learned counsel for the petitioner further relies upon judgments of the Hon'ble Apex Court in **(i) Parmod Suryabhan Pawar vs. State of Maharashtra and another, (2019) 9 Supreme Court Cases 608** and **(ii) Naim Ahamed vs. State (NCT of Delhi), 2023(1) RCR (Criminal) 776**, to contend that there is a difference between false promise to marry and breach of promise.

It is further submitted that the petitioner is in custody since 26.03.2023. The trial is likely to take long time. No useful purpose will

be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Per Contra, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. On instructions from ASI Geeta, learned counsel for the State submits that the petitioner had taken about Rs.50,000/- from the prosecutrix, upon which learned counsel for the petitioner reiterates that the petitioner will return the said amount to the prosecutrix immediately after being released from jail. Learned counsel for the State further submits that charges in the present case are yet to be framed and the next date before the trial Court is 14.08.2023.

Having heard learned counsel for the parties, but without commenting on merits of the case; keeping in view the totality of the facts and circumstances of the case including the fact that there is no other case against the petitioner, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

The petitioner-Ankush Mehta, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

11.08.2023
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(NIDHI GUPTA)
JUDGE

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