

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-56812-2022

Date of Decision: 17.03.2023

Pardeep Rawat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Pankaj Nanhera, Advocate with
Mr. Rahul Gautam, Advocate for the petitioner
Ms. Dimple Jain, AAG, Haryana
Mr. Sushil Jain, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 07.12.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 127 dated 18.10.2022 under Sections 376, 506, 323, 342 IPC registered at Women Police Station, Faridabad.

Learned Senior counsel for the petitioner contends that the petitioner is working as physiotherapist. The prosecutrix had approached him to solicit his help for extending the services, if any aged person requires Home Care Attendant. The prosecutrix has levelled false allegations with regard to commission of wrong act with her. In fact, the prosecutrix had herself submitted an application

wherein she refused for medical examination. It has been further submitted that the petitioner has been falsely implicated by the prosecutrix at the instance of Dr. Vinod Kaushik, who is also running a physiotherapy centre and the prosecutrix is working in his centre. Dr. Vinod Kaushik and the prosecutrix had raised demand of a flat to settle the matter and it was settled that a sum of Rs.5 lac shall be paid to Dr. Vinod Kaushik and prosecutrix to close the case. The matter was reported to the police by Ravinder, the uncle of the petitioner and an FIR under Section 384 read with Section 34 IPC was registered. Ravinder had produced currency notes worth Rs.5 lac and trap was laid. The currency notes were recovered from the drawer in the office of Dr. Vinod Kaushik and he alongwith prosecutrix were also found at the spot. The prosecutrix has falsely implicated the petitioner at the instance of and in connivance with Dr. Vinod Kaushik. The prosecutrix had only approached the petitioner to solicit his help for engaging her services for Home Care Attendant and the same is evident from the Whatsapp chat.

Notice of motion.

Mr. Karan Garg, AAG, Haryana, accepts notice on behalf of the respondent-State. He submits that the prosecutrix has supported the allegations in her statement under Section 164 Cr.P.C.

Mr. Sushil Jain, Advocate, has joined the proceedings on behalf of the complainant and has submitted that false case was got registered by

Ravinder Singh with an attempt to create defence in the present case that has been registered against the petitioner. The case was found to be false one and an application for discharge of Dr. Vinod Kaushik and prosecutrix was moved on 14.11.2022 after investigation was conducted by Officer of the rank of ACP and consequently, Dr. Vinod Kaushik and prosecutrix have been released from custody. Even the prosecutrix was medico-legally examined.

Learned State counsel seeks adjournment to file detail status report depicting the reasons for discharge and other circumstances emerging in the instant case. Adjourned to 20.12.2022”

The petitioner on the one hand is allegedly involved in the commission of offence punishable under Sections 376, 506, 323 & 342 of Indian Penal Code, 1860 (for short ‘IPC’) and on the other hand, family members of the petitioner attempted to implicate the complainant and another doctor. A Senior Officer of the Police Department conducted investigation qua allegations against complainant and another doctor, namely, Vinod Kaushik and found that family members of the petitioner had attempted to implicate them in a false and fabricated case. The police has initiated departmental proceedings against the Inspector who conducted raid and attempted to implicate victim and Dr. Vinod Kaushik. The petitioner and his family member have attempted to implicate prosecutrix and Dr. Vinod Kaushik in a cross-case just to pressurize them to withdraw their complaint or compromise with the

petitioner. The conduct of family members vindicates stand of the prosecution as well as prosecutrix. They have attempted to multiply mental and physical agony of the prosecutrix. The conduct of petitioner does not deserve concession of anticipatory bail. He seems to be involved in serious offence i.e. rape of a junior/assistant.

In view of above backdrop, the present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

17.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>