

Sr.No.101

2023:PHHC:150080

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59526-2023

Date of decision:24.11.2023

Sachin Verma @ Sachin Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Harpreet Kaur Jeewan, J.(Oral)

1. By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No.103 having been registered at Police Station Women, District Faridabad, Haryana on 21.08.2023, alleging therein the commission of offences punishable under the provisions of Sections 376(2) N, 120-B and 506 of Indian Penal Code, 1860.

2. Learned counsel for the petitioner *inter alia* contends that prosecutrix was in consensual relationship with the petitioner which is depicted by the call recordings, transcript of the same is Annexures P-3 and P-4. There is delay of two months in lodging the FIR, as such the petitioner has prayed for concession of pre-arrest bail.

3. On the other hand, learned State counsel submits that the petitioner is a friend of the husband of the prosecutrix, as such the husband as well as the

petitioner have entered into conspiracy in order to create evidence to facilitate for obtaining a divorce in a petition which has already been filed by the husband.

4. I have considered the aforesaid contentions. The case was registered at the instance of the prosecutrix with the allegations that the prosecutrix was studying at Faridabad and was facing matrimonial litigation as a divorce petition was filed against the prosecutrix by her husband at Kama (Bharatput) Rajasthan Court. The petitioner was introduced to the prosecutrix by her husband as his friend. About one year ago, the petitioner started talking to the prosecutrix on snapchat and used to pressurize her to get married to him but the prosecutrix used to refuse since her matrimonial dispute was pending adjudication with her husband. The petitioner committed rape upon the prosecutrix. On 30.05.2023 petitioner took the prosecutrix to the hotel at Faridabad and without her consent the prosecutrix was raped. On 31.05.2023 when they were leaving the hotel the husband of the prosecutrix alongwith other relatives started making a video and her husband asked the prosecutrix to give a divorce otherwise, he would make her video viral. It is further alleged that on 30.05.2023 at night the petitioner burnt the entire evidence which was available with the prosecutrix against her husband. It is further alleged by the prosecutrix that she received a call from 9811463755 on 31.05.2023 and also received a text message informing that whatever has happened with her it was under a conspiracy.

5. Keeping in view the facts and circumstances of the case that petitioner was introduced to the prosecutrix by her husband who wanted a divorce as he had already filed a divorce petition and the fact that the petitioner had removed all the evidence available with the prosecutrix by taking her into confidence gives a clear indication of a conspiracy. There can hardly be a direct evidence of a criminal

conspiracy as such in the present case, the custodial interrogation of the petitioner is necessary to elucidate the material facts and is not a fit case where the concession of pre-arrest bail should be granted to the petitioner. Consequently, present petition has no merits and is accordingly dismissed.

24th November, 2023
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

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