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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64132-2023 (O&M)

Date of Decision: 20.12.2023

SHAGUN

.....PETITIONER

Vs.

STATE OF U.T., CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 203 dated, 29.11.2023 (Annexure P-1) registered at Police Station West Sector 11, U.T., Chandigarh, under Section 376 of the IPC.

2. Learned counsel for the petitioner *inter alia* contends that the present FIR has been registered with false allegations. In fact the complainant and the petitioner are residing in the same locality, i.e. Village Khuda Ali Sher, U.T., Chandigarh. The complainant lives near the house of the petitioner and she joined the gym in the month of July 2022 and also availed the personal training from the petitioner who is working as a Gym Trainer in a gym situated in Naya Gaon. The wife of the petitioner also used to visit the gym and everyone was aware of the fact that the petitioner is already married. The petitioner and the complainant used to have financial transactions *inter se* them and came close to each other and were maintaining physical relationship with the consent of each other. The complainant had

refused for her medical examination. The present FIR was registered when the complainant pressurized the petitioner to take divorce from his wife but the petitioner refused.

3. It was further submitted that the petitioner is ready to join the investigation. It was also contended that a detailed enquiry was conducted before registration of the FIR and it was observed in the said inquiry report (Annexure P-6) that the complainant is well educated and she cannot be mislead by anyone.

4. Notice of motion.

5. Mr. Shashank Bhandari, Addl. P.P. U.T., Chandigarh, accepts notice on behalf of the respondent-State.

6. Dr. Dayal Partap Singh, Advocate, appears and accepts notice on behalf of the complainant and has filed his power of attorney in Court today, which is taken on record. He opposes the bail of the petitioner on the ground of gravity of the allegations.

7. Learned counsel for the State submits that the petitioner was working as a gym trainee as per the complainant. When he came to know that the complainant is having a marriage discord with her ex-husband and her divorce proceedings are pending in the Court which are at the fag end, he portrayed himself to be unmarried. He showed sympathetic attitude towards the complainant who was single mother and taking care of her minor child. He portrayed himself to be unmarried and on the pretext of promise to marry with her, he maintained physical relations with the complainant. Later on the complainant came to know that he was married and was telling lie since the

very beginning with the intention to commit rape upon her on the false pretext of marriage, as such the allegations are serious.

8. I have considered the above contentions.
9. The petitioner is alleged to have misrepresented the prosecution about his matrimonial status and misused his proximity with the complainant as a personal gym trainer. Though the complainant is major but keeping in view the *modus operandi* of the petitioner and the serious allegations of commission of a sexual offence by misrepresenting of facts, it is not a fit case where the petitioner is entitled for the concession under Section 438 (2) Cr.P.C. In view of the gravity of the allegations, the present petition has no merits.
10. Consequently, the petition is dismissed.
11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
12. Pending miscellaneous application (s), if any, shall also stand disposed of.

December 20, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No