

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

213

CRM-M-11793-2024 (O&M)  
Date of decision: 30.04.2024

Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Himmat Singh Deol, Advocate  
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 39, dated 21.02.2024, under Sections 376(2)(n) and 506 of IPC at Women Police Station, Rewari.
2. Vide order dated 06.03.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 06.03.2024, passed by this Court, reads as under:

*“The petitioner is seeking benefit of pre-arrest bail in case arising out of FIR No.39 dated 21.02.2024 registered under Sections 376(2)(n) and 506 of IPC at Women Police Station, Rewari on the basis of a written*

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*complaint filed by the prosecutrix- 'K' (name withheld) alleging therein that she came into contact with the present petitioner about 3 years back while she was working in a company and he was also working there. Intimate relationships had been developed between them and physical relationships were also maintained. The petitioner had also promised to marry with her. He had left the company thereafter but their physical relationship was continued. Further, she recorded that she was married with one- 'V' (name withheld) on 26.02.2023. After her marriage, the petitioner started threatening her to maintain physical relationship with him and otherwise threatened to show her nude photographs as well as videos which he had captured, to her husband. By extending such threats, he kept on maintaining physical relations with her. Thereafter, he suggested her to start some work in the shop which he offered to take on rent in some society in Rewari. She had agreed to the same and a rent agreement was executed but by keeping her in dark, the petitioner got it executed in his own name only. A beauty parlour was proposed to be started by her in the said shop and she had invested money in the same. She further alleged that about 2 weeks ago also, he took her to a hotel and forcibly had made physical relations with her again. Being fed up, she narrated this fact to her husband who locked the shop which was taken on rent by her and the petitioner and took her to Rohtak. She alleged that on 20.02.2024, the petitioner had broken up the lock of the shop and has put his own lock. She prayed for taken penal action against the culprit. On her complaint, the aforementioned FIR was registered. Investigation proceedings have been initiated and are going on. The petitioner had moved an application for grant of anticipatory bail before the Court of learned*

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*Additional Sessions Court, Rewari, which was dismissed vide order dated 29.02.2024.*

*The present petition has been filed by the petitioner on the ground and it is argued by his counsel that the prosecutrix is a 30 years old mature woman who has already got married and therefore, there was no question of her being physically exploited by the petitioner on making any promise to marry her. It is further argued that in fact the petitioner and the prosecutrix were in relationship for the last more than 5 years as they were working in the same company. Consensual physical relations had been developed between them which continued even after the marriage of the prosecutrix, with her consent only. Since the very beginning of their relationship, the prosecutrix had been extorted money from him and even after her marriage, he had been giving money to her. All the money for the purpose of carrying on the business of beauty parlour by the prosecutrix, had been invested by the petitioner and bills regards purchase of articles for that beauty parlour, were also issued in his name and the rent agreement was also executed in his name. He has argued that the prosecutrix had become even more greedy and she had been demanded more and more money from the petitioner under the threat of exposing the factum of their relationships to the public as well as her husband also and by giving threat to implicate him in criminal case. Learned counsel for the petitioner has brought the attention of this Court towards annexure P-6 which is copy of a complaint dated 28.02.2024 filed by him before the Superintendent of Police, Rewari for taking action against the prosecutrix and it is submitted that the present FIR is the counter blast of the said complaint. He has also brought the attention of this Court towards the*

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*whats app chat showing that the petitioner had been transferring different amounts of money on several occasions in favour of the prosecutrix. It is argued that since the relationship between the party were purely consensual, therefore, there is no case for commission of offence punishable under Section 376(2)(n) has been made out against the petitioner and therefore, it is argued that the petition deserves to be allowed.*

*Notice of motion.*

*Learned State counsel who appeared on advance notice of the petition, seeks time to file status report in the matter.*

*At this stage, on oral request of learned counsel for the petitioner, the prosecutrix is ordered to be impleaded as respondent No.2 in this petition. Amended memo of parties be filed by the counsel for the petitioner today, itself.*

*At this stage, Ms. Ashwarya Bajaj, Advocate puts in appearance on behalf of the complainant and has filed her memo of appearance. She seeks time to file her vakalatnama as well as reply to the petition.*

*Adjourned to 29.04.2024.*

*In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”*

3. Learned State counsel, in terms of the status report filed today in Court, has submitted that the petitioner has joined investigation on 12.03.2024 and he is not required for custodial interrogation.

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4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 06.03.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

30.04.2024

Waseem Ansari

(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No  
Yes/No