

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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Date of order: 15.03.2024

CRM-M-13610-2024(O&M)

Rahul

.....Petitioner(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Ankur Lal, Advocate
for the petitioner.

Mr. R.S. Arya, Addl. AGHaryana.

Mr. Vaibhav Sharma, Advocate
for respondent No.2.

Nidhi Gupta, J.

Present is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.83 dated 04.03.2024 registered under Sections 498-A, 323, 506, 376, 120-B and 342 IPC at Police Station Model Town, Rewari. Petitioner is the husband of the complainant/respondent No.2.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant/respondent No.2 on 10.12.2023. This was a love marriage between them. It is submitted that present FIR has been registered due to some misunderstanding between the parties. It is contended that the allegations contained in the FIR are

utterly false and fabricated and it is accordingly prayed that the petitioner be granted the concession of anticipatory bail.

3. Notice of motion.

4. Mr. R.S. Arya, Addl. AG Haryana accepts notice on behalf of respondent No.1-State.

5. Mr. Vaibhav Sharma, Advocate puts in appearance on behalf of respondent No.2/complainant and files Memorandum of Appearance, which is taken on record.

6. Learned counsel for respondent No.2 vehemently opposes the prayer made on behalf of the petitioner and submits that very serious allegations have been made in the present FIR. It is pointed out that it is alleged in the FIR that Respondent No.2 was forced to enter into marriage with the petitioner. Specific allegations have been made in the FIR that on 18/19.10.2023, the petitioner had taken respondent No.2 to a hotel room and committed rape upon her. The petitioner had also made a video of respondent No.2 on the basis of which, he used to blackmail her and had threatened to kill her in case she disclosed these facts to anyone. It has further been alleged in the FIR that father of the petitioner had also committed rape upon the victim/respondent No.2. Even on 30.12.2023, father of the petitioner had committed rape upon respondent No.2. Further, the petitioner along with his family used to give beatings daily to the respondent No.2. It has been alleged that the petitioner would lock the victim in the bathroom and used to leave the house after bolting the house door. She was kept hungry and thirsty. Age of the victim is 20

years. Accordingly, very serious allegations have been made against the petitioner and therefore, the present petition be dismissed.

7. Learned State Counsel concur with submissions made on behalf of the complainant and submits that in view of the seriousness of the allegations made in the FIR custodial interrogation of the petitioner is required. It is further informed that the matter is still under investigation.

8. At this stage, learned counsel for the petitioner contends that he had entered into Arya Samaj marriage with respondent No.2, which is no marriage in the eyes of law. However, when confronted with the averments made in Para 4 of the present petition itself that *“He happens to be the husband of the complainant/prosecutrix and both of them had solemnized a love marriage as per prescribed customs on 10.12.2023 and the said marriage stood registered on 11.12.2023”*, counsel for the petitioner has no reply to the same.

9. In view of the above, keeping in mind the age of the victim as also gravity of the allegations made in the FIR, as also the fact that challan has not yet been filed in the matter, present petition stands **dismissed**.

10. Pending application(s) if any also stand(s) disposed of.

15.03.2024

Sunena

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Nidhi Gupta)
Judge