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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13767-2024 (O&M)
Date of Decision: 27.05.2024

RAJESH KUMAR ARORA

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Gagandeep Goel, Advocate, for the petitioner.
(appeared through video conferencing).

Ms. Sakshi Bakshi, A.A.G., Punjab.

HARPREET KAUR JEEWAN J.

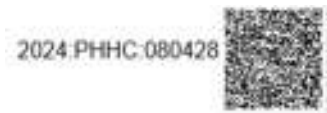
1. The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail in case FIR No. 271, dated 10.12.2023, registered at Police Station City, District Roopnagar, under Sections 376 (2) (n) and 406 of the IPC.

2. As per the allegations against the petitioner, the complainant got married in the year 2004. She is having a son aged about 15 years and a daughter aged about 13 years out of the said wedlock. She was having matrimonial dispute with her husband, who is serving in Army. She was allegedly beaten up by her husband under the influence of liquor, as such, she along with her children was living separately. She filed a petition seeking maintenance from her husband. In the year 2020, the complainant came in contact with the petitioner, who was working as an Assistant with an Advocate in the District Courts and he was also doing the finance work. The petitioner assisted the complainant for engaging a counsel and the petitioner claimed to the complainant that he would assist her in the aforesaid litigation



for its speedy disposal. The petitioner is alleged to have obtained the signatures of the complainant on a Power of Attorney/'*Vakalatnama*' and on some blank papers for the aforesaid purpose. The petitioner suggested the complainant to do part time work with her in order to maintain herself. On the allurements of the petitioner, the complainant also pledged her ornaments and she also took a loan of Rs. 8,00,000/- from Muthoot Finance and gave the said amount to the petitioner. Out of the said amount, the petitioner allegedly invested part of the amount and also paid earnest money for making a purchase of some immovable property on his name. In lieu of the said amount, the petitioner is alleged to have handed over two cheques of Central Bank of India as a security and he gave two cheques of Federal Bank, Ropar. The petitioner also asked the complainant to open a bank account in Kotak Mahindra Bank, for the purpose of depositing the interest of the aforesaid advance of Rs. 8,00,000. On the asking of the petitioner, the complainant also shifted from Bathinda and started living at Ropar. The petitioner had been repeatedly committing rape upon the complainant. Whenever the complainant used to demand back her money, the petitioner used to threaten the complainant to kill her and her children and further threatened that he would depose as a witness against her in the case which she has filed against her husband. He used to also threaten her that even the Advocate who has been hired at his instance, would not conduct her case properly. The petitioner was also threatened to be killed and thrown in the canal along with her children. The petitioner started beating up the complainant repeatedly.

It is further an allegation that the petitioner was already married and he told the complainant that his wife is not serving well to his parents and asked

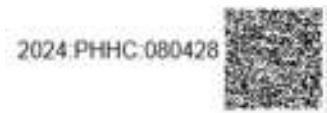


the complainant to solemnize marriage with her. Thereafter, the petitioner was shifted from Ropar to Kurali where a room was taken on rent and the petitioner insisted that his mother would also stay there along with the complainant. The petitioner also snatched Rs. 40,000/- which was kept by the complainant for emergency use. Ultimately, the complainant reported the matter to the police upon which the FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely roped in the present case. The complainant has also filed two cheque bounce cases against the petitioner and the present case has been registered in order to recover the money. The story presented by the complainant in the cheque bounce cases is entirely different from the story mentioned in the present FIR. There is a delay of 2½ years in lodging the FIR. The petitioner is ready to join the investigation. He is already facing the criminal complaints regarding the alleged dishonouring of the cheques.

4. However, the learned counsel for the State has opposed the present petition, on the ground of gravity of the allegations against the petitioner. The State counsel informed that there are 05 other criminal cases registered against the petitioner, which are as under:-

Sr. No.	FIR No.	Date and Police Station	Under Sections	Stage
1	66	2017, Nupur Bedi	406 and 201 read with Section 120-B IPC	Under trial, declared PO
2	109	08.06.2023, City Rupnagar	174-A IPC	Under trial
3	149	26.07.2015, City Rupnagar	419 and 420 IPC	Acquitted
4	70	14.11.2019, Sekhwan Batala	304-A, 279 and 427 IPC	Acquitted



Sr. No.	FIR No.	Date and Police Station	Under Sections	Stage
5	121	13.12.2012, Balachaur SBS Nagar	420 and 506 IPC	Acquitted, vide order dated 21.05.2018

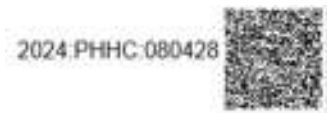
4.1 The learned State counsel further submits that the petitioner has been declared as Proclaimed Offender in one of the criminal cases. His custodial interrogation is necessary to elucidate the facts and allegations and also for effecting recovery. It is also contended that there are serious allegations of repeated sexual abuse of the prosecutrix.

5. I have considered the aforesaid contentions.

6. Apart from the allegations of sexual abuse, the petitioner is alleged to have duped the complainant by way of extracting a sum of Rs. 8,00,000/- from her. As per the allegations, the complainant was a litigant and the petitioner who was working as an Assistant with an Advocate, initially allured the complainant to help her in the litigation, which was pending in the court. However, subsequently, the petitioner is alleged to have extracted money and even repeatedly sexually abused the prosecutrix. Apart from the said allegations, the petitioner is alleged to have misused his position of his working as a part of Justice delivery system.

7. In view of the fact and circumstances of the present case, also considering the fact that 05 more other cases are registered against the petitioner and he has been declared as a Proclaimed Offender in one of such criminal case, no ground is made out for granting the concession of pre-arrest bail to the petitioner.

8. Consequently, the present petition stands dismissed.



9. However, it is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be gone into by the trial Court wholly on the basis of evidence led/gathered before it (if it comes to that stage).

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

May 27, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE