



CRM-M-40766-2024 (O&M) - 1-

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

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**CRM-M-40766-2024 (O&M)
Date of decision: 04.11.2024**

DEVRAJ TEWATIA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Balvinder Sangwan, Advocate with
Mr. Savreet Brar, Advocate
for respondent No.2

HARPREET KAUR JEEWAN , J.

1. The present petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case bearing FIR No.397 dated 28.05.2024 under Sections 328, 376(2)(n), 406, 323, 506 IPC and Section 66 E of the Information Technology Act, registered at Police Station City Ballabgarh, District Faridabad.
2. Learned counsel for the petitioner submits that there is an unexplained delay of 2 years in lodging the present FIR. He further submits that the petitioner has been falsely implicated in this case. The marriage of the prosecutrix was fixed with the petitioner but due to the fact that the petitioner was arrested in another case, the relationship between the families of the prosecutrix



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and the petitioner had broken and the present FIR was lodged with concocted story.

3. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner.

4. Learned counsel for the respondent No.2 has also opposed the bail petition by submitting that lot of money has been extracted by the petitioner from the complainant apart from sexually abusing her. He has submitted copy of transaction statement, the same is taken on record.

5. I have heard the learned counsel for the parties and perused the relevant documents.

6. Initially, the matter was reported by the prosecutrix to SHO, Police station Tigdi, Delhi, upon which zero FIR/24 was registered under Sections 328, 376 and 506 IPC. Later on, the present FIR was registered at Police station City Ballabgarh, District Faridabad. As per the version of the prosecutrix, which is further supported by her statement recorded under section 164 CrPC, the petitioner and the prosecutrix met each other through Instagram. Thereafter, they had various meetings at various places. The petitioner is alleged to have taken nude photographs and had been threatening the prosecutrix to circulate the same on social media. It is an allegation that under the said threat, the petitioner had been continuously committing sexual assault/rape upon the prosecutrix. Apart from this, there are allegations that he had taken a sum of Rs.4 lakhs from the prosecutrix through various transactions through app Phonepe and PayTm. The prosecutrix had even handed over gold "mangalsutra", 6 rings, 2 pair of earrings, belonging to her mother. Thereafter, the petitioner stopped interacting with the prosecutrix and switched off his mobile phone. Later on, the prosecutrix came to



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know that the petitioner has been confined in jail in some other case.

7. Keeping in view the fact and circumstances of the case, it is not merely the allegations that there was relationship *inter se* two major persons but there are allegations that the petitioner had even extracted money as well as gold ornaments from the complainant under the threat of circulating her nude photographs. Custodial interrogation is required. Recovery is yet to be effected.
8. In view of such background, the petitioner is not entitled for concession of anticipatory bail.
9. Consequently, the petition stands dismissed.
10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
11. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

04.11.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No