

(2011) 08 P&H CK 0190

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M 18638-2011 (O and M)

Sandeep Kumar

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Aug. 3, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 376

Hon'ble Judges: Rakesh Kumar Jain, J

Bench: Single Bench

Judgement

Rakesh Kumar Jain, J.

This is a petition for grant of anticipatory bail to the Petitioner in a case registered vide FIR No. 330 dated 25.05.2011, u/s 376 Indian Penal Code, 1860, Police Station City Rohtak, District Rohtak.

2. The allegation in the FIR is that the complainant had been sexually exploited by the Petitioner on the pretext of marriage.

3. It is argued by learned Counsel for the complainant that though the Petitioner was married in the month of February, 2011, yet he came to the room of the complainant on 26.04.2011 and had sexual intercourse with her. It is argued that if the Petitioner was already married, then he had No. business to visit the complainant and having sex with her.

4. In this regard, learned Counsel for the Petitioner has submitted that the fact of the marriage of the Petitioner was very much within the knowledge of the complainant because it is mentioned in the FIR itself that on 24.04.2011, the Petitioner's mother-in-law Sunita, his father Raj Kumar and his mother Jai Devi went to the village of the complainant and threatened her family and insulted her. She had disclosed this episode to the Inspector General of Police, Rohtak on which the Petitioner's mother-in-law, his father, he himself and his wife even went to the Inspector General of Police, Rohtak. It is submitted that if the complainant herself

stated in her complaint that the Petitioner's mother-in-law Sunita had visited her house and insulted her on 24.04.2011, then it means she had the knowledge of the marriage of the Petitioner with Annu who was also before the Inspector General of Police, Rohtak on 25.04.2011, then why did she allow the Petitioner on 26.04.2011 to visit her and have sex with her. It is further submitted that the Petitioner has been falsely implicated in this case as the complainant herself is a Constable and would not have allowed the Petitioner to have sex with her without her consent.

5. Learned Counsel for the Petitioner has further submitted that in terms of the order dated 09.06.2011, the Petitioner has joined the investigation. This fact is conceded by the learned State Counsel on instructions from ASI Mohinder Singh.

6. After taking into consideration the facts and circumstances of this case but without making any observation on the merits, the order dated 09.06.2011 passed by this Court is hereby made absolute subject to the conditions already contained therein.

7. The petition shall stand disposed of.