



208

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

CRM-M-42-2025

Date of Decision:- 03.02.2025

RAJESH KUMAR

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Namit Khurana, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Bhupender Singh, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.438 dated 12.12.2024 under Sections 64 (1) and 351 (2) of BNS, registered at Police Station Taraori, District Karnal.

2. As per the facts of the case, present FIR has been registered on the written complaint of prosecutrix 'B' where she alleged that she was doing labour work under Rajesh *Mistri*. On 05.12.2024 at about 1 pm after doing her work she was going to take her meals. She was called by Rajesh *Mistri* and he started touching hand in an inappropriate manner. Prosecutrix stopped him but she was tied by him and he committed wrongful act with her. She tried to raise alarm but he gagged her mouth. Accused offered to pay her double the wages and she should agree to fulfill his needs. He

further threatened that in case she told anybody then he would kill her. On the next day she did not go for her work and her husband inquired about it. Prosecutrix made an excuse that she was not well. Even on the next day she did not go for her work and ultimately she disclosed about the incident to her husband. On the basis of this written complaint, matter was investigated and present FIR has been registered.

3. Learned counsel for petitioner firstly raised the arguments that there is a delay of 7 days in lodging report. In-fact, prosecutrix was having extramarital affairs which was to the knowledge of her husband. It is not possible to commit rape in open area. She never raised hue and cry nor she suffered any injury. In-fact, she was asking for extra money and on his refusal false complaint is filed.

4. Bail application is opposed by learned counsel representing State as well as Mr. Bhupender Singh, Advocate representing respondent No.2 who filed his power of attorney today. It is argued that allegations are specific and serious in nature. He is yet to join the investigation. Petitioner was employer of prosecutrix who committed forcible rape with her while she was working under him. Explanation given by learned counsel for petitioner is false and baseless. Therefore, anticipatory bail application filed by petitioner is strongly opposed.

5. I have considered the arguments and have gone through the record. Considering the arguments advanced by learned counsel for petitioner he has taken the stand that if it was consensual relationship and it was to the knowledge of husband of the prosecutrix, thus matter requires thorough investigation. Allegations are specific and serious in nature.

Considering the gravity of offence, I do not find a fit case for grant of anticipatory bail and the same is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

03.02.2025

snd

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No