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

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Date of Decision:-25.03.2025

Shrey Kumar Duhan

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Jasdev Singh Mehndiratta, Advocate,
Mr. Rahul Dhanda, Advocate and
Ms. Jyotnoor Kaur Sethi, Advocate
for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner –Shrey Kumar Duhan filed present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.10 dated 08.01.2025, registered under Sections 318(4), 69 of BNS, 2023, at Police Station Civil Lines, Jind (Sections 64(2), 351(3) of BNS were added later on).

2. As per the facts of case, prosecutrix 'R' filed written complaint alleging that she is a married lady living in village Mandi Kalan, Tehsil Uchana, District Jind. She is MA(B.Ed.) In the year 2016 accused Shrey Kumar Duhan was studying with her in Delhi University. He came in contact with her on phone in July, 2024 and they started talking to each other. He called her on 08.10.2024 to Rajaji Hotel near New Bus Stand,



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Jind on the pretext of providing job and there he committed rape upon her continuously for 04 days. He also took away Rs.5 Lacs from her. He again called her on 19.12.2024 to Jhansi Deluxe Hotel, Gandhi Puram, Coimbatore and committed rape upon her. Later on she came to know that accused was serving in Jammu and Kashmir Company 18 CRPF and was posted as Inspector in Anantnag. He committed rape upon her with false promise of providing job. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that the prosecutrix and the petitioner were in contact with each other for a long time and they exchanged messages on WhatsApp. Some of the extracts are placed on record as Annexure P-3. The relationship was consensual. Even though the prosecutrix was married, she wanted to marry the petitioner. Later on she realized her mistake and gave her affidavit dated 11.01.2025 (Annexure P-4). Petitioner is serving in Central Reserve Police Force and is selected as Elite Special Protection Group (SPG). He is not likely to abscond. He has already joined investigation in compliance of order dated 03.02.2025 and will abide by the terms and conditions of bail order.

4. Status report has been filed confirming the facts detailed in the FIR. Copy of MLR is Annexure R-1. The prosecutrix gave in writing that she did not want to get her internal and external medico legal examination. Statement of the prosecutrix recorded under Section 183 BNSS is Annexure R-2 where she levelled the allegations against the petitioner. She again gave another statement on 19.01.2025 (Annexure R-4) where she claimed that she does not want to take any action against him as petitioner

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has assured to marry her and has apologized. However, it is conceded that on 19.01.2025, the victim had joined the investigation and on instructions of SI Rajesh Devi, it is pointed out that petitioner is not required for further investigation.

5. Considering the aforesaid factual position, petitioner has joined the investigation and fully cooperated. Since petitioner is serving in CRPF, therefore, there is no possibility that he is likely to abscond. The aforesaid facts further indicate that he has cleared the misunderstanding with the prosecutrix. Therefore, no purpose would be served by sending him behind the bars when he has already joined the investigation and he is still ready to abide by the terms of bail order. Therefore, interim bail already granted in favour of petitioner vide order dated 03.02.2025 stands confirmed subject to the conditions detailed under Section 482(2) BNSS.

6. Petition is accordingly disposed of.

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

25.03.2025

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No