

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

**CRM-M-29836 of 2015
Date of Decision: December 04, 2015**

Maninder Singh @ Manga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Bassi, Advocate
for the petitioner.

Mr. C.S. Brar, DAG. Punjab.

FATEH DEEP SINGH, J.

The allegations levelled against the petitioner in this second anticipatory bail application under Section 438 Cr.P.C. by complainant Anshu Sawhney are that the complainant was earlier married in the year 2006 regarding which a matrimonial dispute was pending between her and her husband. During the year 2014, the complainant alleges that she came in contact with accused/non-applicant Jarnail Singh @ Jaily carrying on singing activities and the complainant showed her interest in learning this avocation from him. It is during such time it is alleged that Jarnail Singh @ Jaily took her to a flat where he offered some intoxicant substance in a cold drink and on its consumption the complainant alleges that she became unconscious and, thereafter, this accused after removing her clothes prepared her video movie with the object of blackmailing her and on this threat the accused is alleged to have misused the complainant and to satisfy his desires, as a consequence of which, complainant became pregnant. Jarnail Singh @ Jaily compelled the complainant to undergo abortion

and when she refused the principal accused with his accomplice Charanpreet Singh @ Goldy tried to forcibly administer medicine to facilitate abortion upon the complainant. It is on 14.6.2014 while the complainant was going to Indus Hospital, Mohali the present petitioner who happens to be the friend of accused along with Jarnail Singh @ Jaily stopped her and threatened her and under that threat the petitioner made the complainant to undergo certain tests and facilitated her abortion and, thereafter, the complainant alleges that the present petitioner as well as principal accused had been ravaging her against her wishes and blackmailing her on that pretext leading to the registration of present case.

Learned counsel for the petitioner has submitted that the senior functionaries of the police had earlier held the petitioner innocent and subsequently due to the influence wielded by the complainant has been falsely implicated and that no specific role has been attributed to him. The bail application is opposed on the grounds that no fresh ground is made out for filing the second bail application and that if allowed bail, the petitioner will influence the witnesses and thwart the trial.

Appreciating the submissions of the two sides. Learned counsel for the petitioner could not convince this Court, how there has been change of circumstances necessitating filing of second bail application. The specific serious allegations that have been levelled against the petitioner regarding rape as well as forcible abortion of the complainant. The heinousness of the offence and the fact that it is sordid story of a desolated woman being fleeced by influential persons are matters which have its adverse impact on the mind of the Court and how they are influencing investigations at the various stages and that the apprehension of the State that if allowed bail the petitioner would

influence the witnesses are not unfounded and keeping in view that the provisions of Section 438 Cr.P.C. are to be sparingly used, no ground is made out to allow the present application.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

December 04, 2015

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