

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-1818 of 2016

Date of decision : 03.02.2016

Baltej Singh Pannu

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. K.S. Khehar, Advocate for the petitioner

Ms. Harsimarat Rai, DAG Punjab

Mr. Sanjeev Manrai, Sr. Advocate with

Mr. Bhupinder Ghai, Advocate for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 240 dated 27.11.2015 registered at Police Station Civil Lines, Patiala under Sections 376/420/506 IPC.

Nancy Ghuman had lodged a complaint on 27.11.2015 against the petitioner containing the allegation that the complainant got married in 2004 and had a daughter. Due to differences, a divorce took place in 2006. The complainant later came in contact with the petitioner in December 2009. They met at a gym in Patiala. The allegations are that the petitioner exploited the complainant and took advantage of the fact that she was a divorcee and offered to start a new life. Believing him she consulted her family and agreed to marry the petitioner. The complainant had pleaded that she was into a relationship with the petitioner and he raped her for about 2 years on the pretext that he would send her daughter to Canada.

The complaint was given on 27.11.2015. The petitioner was arrested on the same day. The investigation is over and challan has been

presented. The case is fixed before the Court below for 09.02.2015 for framing of the charge.

Learned counsel for the petitioner contends that the complainant is a married and a divorcee and is levelling allegations of rape between 2009 to 2011 without giving any date or month and during this period the petitioner had remained in India only for two months and till date they have not been able to specify the period as the allegations are baseless. The counsel further urges that the complainant got married for the second time on 04.05.2014 and she got a divorce the second time on 26.11.2015 and the present complaint had been made on 25.11.2015. He further contends that he is ready to surrender both the passports, Canadian as well as Indian but the same should be immediately sealed as the petitioner would be put to disadvantage if the complainant is allowed to see his travel itinerary. It was urged that the FIR had been lodged after four years of the alleged incident.

Learned counsel for the complainant as well as State counsel have opposed the prayer for bail. It has been urged that the exploitation started on 06.01.2010 and continued for 2 years and not only the complainant another women have been exploited who is working with an NGO and she had also made a statement against the petitioner. Learned counsel for the complainant has placed on record the E-mail written by Kuljeet Kaur to SSP Patiala and states that it is with a view to pressurize the police. It was urged that filthy posts have been put on the social media against the complainant and a protection petition has been filed by the petitioner in this Court and the matter is fixed for 28.03.2016.

Learned counsel for the petitioner states that posts on the social media were not put by the petitioner and anybody can give comments on the social media. The counsel further contends that the petitioner had been

highlighting the nexus between the politicians and the Drug Lords and false case has been lodged against him.

The complainant is a married and twice divorced. No date or time of the incident had been mentioned. There is no MLR. The complaint has been moved after 4 years. The petitioner is ready to surrender his passports. He also holds a Canadian passport. The petitioner was arrested in November 2015. The investigation is over and challan has been presented.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate with a rider that the petitioner would surrender both his passports before the trial Court. The trial Court would seal the passports in the presence of the petitioner or his counsel on the same day. The seal of the passport will not be opened without notice to the petitioner and definitely not before the statement of the prosecutrix. The petitioner would not contact the complainant or the lady who has made similar allegations against him.

February 03, 2016

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**(ANITA CHAUDHRY)
JUDGE**