

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

**Criminal Misc. No. M-19355 of 2018**

**Date of decision: November 13, 2018**

Ranjit Singh @ Fauji

....Petitioner

Versus

State of Punjab

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present: Mr. Vipul Aggarwal, Advocate for the petitioner

Mr.Dhruv Dayal, Sr. DAG Punjab/respondent

Mr. N.S.Lucky, Advocate for the complainant

**Fateh Deep Singh, J.**

The allegations against the accused-petitioner Ranjit Singh @ Fauji in this first anticipatory bail application under Section 438 Cr.P.C. filed in case FIR No. 109 dated 21.10.2017, under Sections 306, 376, 506 of IPC, Police Station Kathu Nangal, District Amritsar Rural, levelled by complainant Paramjit Kaur are as follows:-

It is alleged by the complainant that her daughter now

deceased Amandeep Kaur aged between 25/26 years, an un-married girl who was working in a Beauty Parlour for two years prior to 20.10.2017, the date of occurrence, came in contact with the accused-petitioner at a Gurudwara and in between the petitioner on the pretext of marrying the deceased had been having physical relations and when she became two months pregnant, the accused refused to marry her and faced with the ignominy and deceptive conduct, the deceased was forced to consume poison on 20.10.2017 leading to her death the next very day.

Mr. Vipul Aggarwal, learned counsel for the petitioner submits that the petitioner at the time of the alleged occurrence was employed in Indian Army posted at Kanpur and thus, there is no cause that he would be instrumental in commission of this crime as he never took leave during this period. It is further contended that as per the own stand of the prosecution, the deceased and the accused were in a relationship for almost two years and therefore, being a grown up girl there was a consensual relationship and the element of abetment to suicide or rape is not at all borne out.

On behalf of the State the same is sought to be opposed by Mr. Dhruv Dayal, Sr. DAG Punjab assisted by Mr. NS Lucky, Advocate for the complainant on the grounds that the petitioner was instrumental in not only playing deception with an innocent girl on the pretext of marrying and by virtue of his acts having impregnated her

backed out of his commitment and thus was itself sufficient ground for the deceased to take this harsh step to save her honour and therefore, in view of the heinousness of the crime and seriousness of the allegations dis-entitles the petitioner to any relief.

Going through the arguments put forth by the rival sides it is the case of the complainant mother Paramjit Kaur that the deceased had confided in her that while working at Beauty Parlour in Shri Hargobindpur happened to visit a Gurudwara where she met the accused and which materialized into friendship and subsequently developed physical relations and even in the Email dated 17.10.2017, copy of which is placed in the police file, sent by the deceased prior to this occurrence has levelled allegations whereby the accused is stated to have entered into physical relations with the deceased and forced her to abort the child and thereafter denied to marry her are matters of much serious consequences. The plea of alibi sought to be raised by counsel for the petitioner that on the date of the occurrence, the petitioner was employed in the Indian Army and never took leave are matters of evidence to be appreciated at the time of trial. More-so though it is over a period of time different instances culminating into this final occurrence has taken place and there is no allegation that it was on the day of the occurrence or immediately in proximity to it the petitioner was present leading to commission of the crime. The petitioner who happens to be from the

Defence Force has duped an innocent simple village girl on the pretext of marriage and in the process had put her life in a jeopardy forcing her to take such a harsh step. The conduct of the petitioner invariably suggests his abetment to suicide by the deceased. There are serious allegations against the petitioner and therefore, his custodial interrogation is very much essential. Besides the settled preposition of law that provisions of Section 438 Cr.P.C. are to be sparingly used. No case for grant of anticipatory bail is made out. The present petition, as such, is dismissed.

**(Fateh Deep Singh)**  
**Judge**

**November 13, 2018**

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| <i>Whether speaking/reasoned ?</i> | <i>Yes/No</i> |
| <i>Whether Reportable ?</i>        | <i>Yes/No</i> |

