

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

CRM-M-31380 of 2018

Date of Decision: October 08, 2018

Maninder Singh @ Manga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Guninder Singh Brar, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

Mr. Munish Behl, Advocate
for the complainant.

FATEH DEEP SINGH, J.

This order shall dispose off third anticipatory bail application under Section 438 Cr.P.C of the present petitioner-accused Maninder Singh @ Manga, the first one having been dismissed vide orders dated 06.08.2015 and second on 04.12.2015 by this Court.

The present case was got registered by the complainant Anshu Sawhney. In her allegations, she alleged that she was earlier married in the year 2006 and on account of matrimonial dispute with her husband during the year 2014 she acquainted accused Jarnail Singh @ Jaily/non-applicant who claims that he was into singing. The allegations harbour around the fact that once Janail Singh @ Jaily took her to a flat and offered her some cold drink laced with intoxicant and upon consumption of which

she became unconscious and, thereafter, this accused took undue benefit of her state and after removing her clothes prepared a video clip with the intention to blackmail her. The complainant claims that on this basis, this accused had blackmailed her to fulfil his manly pleasures. When thereafter, complainant put down her foot and refused to oblige the accused, Jarnail Singh @ Jaily along with his co-accused including the present petitioner tried to forcibly administer her abortion pills with the intention to induce abortion. The allegations against the petitioner are that; he started harassing the complainant by showing the alleged video clip and forced her to undergo abortion to which she refused. Her video clip was uploaded on YouTube and facebook. It is further alleged that on 28.05.2014 accused Jarnail Singh @ Jaily took the complainant to a house where she was forcibly administered abortion pills leading to abortion and then due to bleeding went to Indus Hospital, Mohali where the present petitioner came and threatened her to keep shut else they will upload her video clip and that on forcing and blackmailing by the petitioner an ultrasound on the complainant was performed on 18.06.2016 from Amar Scanner and, thereafter, the complainant was taken to Kaushalya Hospital, Kharar on the arrangement made by petitioner and an abortion was conducted upon the complainant to remove the remnants of the foetus. Thereafter, to make the complainant keep mum she was threatened by the accused including the present petitioner and was also physically assaulted and was threatened to be eliminated leading to the registration of the present case.

Learned counsel for the petitioner at the very onset of his submissions had argued that the Special Investigation Team (SIT) so

constituted has held the petitioner to be innocent on the basis of polygraphy tests and that subsequently the petitioner has been summoned with the aid of Section 319 Cr.P.C by the Court of learned Additional Sessions Judge vide order dated 12.07.2018 and that nothing is to be recovered from the petitioner.

Learned State counsel assisted by learned counsel for the complainant has accepted the fact that the petitioner has been found innocent during the investigation by the SIT, however, the bail application has sought to be opposed on the ground that there has been partisan investigation with an motivated cause and the petitioner has remained away from the clutches of law and if allowed bail would again influence the witnesses at the trial.

Going through the submissions of the two sides, this Court had already declined twice the anticipatory bail to the petitioner and in the second order dated 04.12.2015 has observed that the accused were influencing the investigation at various stages and the apprehension of the State that if allowed bail, they will influence the witnesses was not unfounded. Having regard to the seriousness of allegations of the prosecution, two earlier bail applications have been declined by this Court and that holding of the petitioner innocent by the SIT is in itself suggestive of the fact that all was not well with the investigations. The hapless lady is being haunted to desist her from saving her honour and for redressal of her loss of honour and dignity. Keeping in view that the Courts are tools of social justice as well and the apprehension of the State that accused would influence the witnesses certainly being not unfounded and in view of the

strong peculiar circumstances of the case impels this Court to decline the present prayer for grant of anticipatory bail to the petitioner.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

October 08, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No