

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

1. CRM-M No.35864 of 2018 (O&M)

Daljeet Singh Dhillon

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.44570 of 2018

Gurinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 28th November, 2018

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Gursharan K. Mann, Advocate for the petitioner
(in CRM-M No.35864 of 2018);

Mr. S.S. Behl, Advocate for the petitioner
(in CRM-M No.44570 of 2018);

Mr. Dhruv Dayal, Sr. Dy. Advocate General, Punjab
for the respondent/State;

Mr. Suneet Pal Singh Aulakh, Advocate
for the complainant.

FATEH DEEP SINGH, J.

As these two regular bail applications both under Section 439 Cr.P.C., one by petitioner Daljeet Singh Dhillon and the other by Gurinder Singh, have been filed in the same very FIR bearing No.2 dated 02.07.2018 under Sections 376/376C IPC and Sections 22/27/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station Punjab State Crime, SAS Nagar, District Crime Wing, SAS Nagar, are thus being taken up and decided together.

The brief facts brought to the notice of this Court by the learned State counsel Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab assisted by Inspector Kulwant Singh, Police Station Punjab State Crime, S.A.S. Nagar (Mohali) are that the complainant prosecutrix in this case who is a deserted woman aged around 26 years while working at Western Mall, Ludhiana came in contact with the co-accused non-applicant Rupinderjit Kaur alias Rupinder Mann while living in a paying-guest accommodation. It is in the year 2013 Rupinder Mann introduced the complainant to one Aman alias Gurinder Singh petitioner, a businessman at Ludhiana. The complainant, Rupinder Mann and above said petitioner Gurinder Singh, in the year 2013 planned to visit Harmandir Sahib at Amritsar and on the way they went to the residence of accused petitioner Daljeet Singh Dhillon, who was then posted as Deputy Superintendent of Police, Tarn Taran. After having food, it is alleged, one Ashok Kumar co-accused non-applicant, servant of accused petitioner Daljeet Singh Dhillon on the asking of the latter, brought a piece of foil paper and a lighter, and on which paper heroin was placed and the complainant is alleged to have snuffed the commodity. The accused Daljit Singh Dhillon gave his mobile number which in fact belonged to his Reader (now deceased) to the complainant. It is alleged that the complainant got hitched to this drug. After 20 days of this, Rupinder Mann along with the complainant went in a bus to Tarn Taran where they were picked up by a vehicle sent by the DSP at the bus stand.

It is alleged that at the house of the DSP the complainant snuffed heroin and thereafter, was taken by the accused petitioner Daljeet Singh Dhillon to the roof top where she was ravaged and she stayed back there for the night. It is the story of the prosecution that in due course, on the asking of Daljeet Singh Dhillon petitioner, the complainant used to supply him girls and in lieu of which he used to supply heroin to the complainant. During the course of events, the complainant came in contact with one Balraj who also was an addict and from whose loins she became pregnant. It was on the complaint of the prosecutrix dated Nil made to the Chief Minister of the State, the present case has been got registered on 02.07.2018.

Mr. S.S. Behl, Advocate for the petitioner Gurinder Singh has vociferously submitted that there is no overt act attributed to the petitioner and the only allegation that has come about is that he was got introduced to the complainant by accused non-applicant Rupinder Mann and all the three of them had planned to visit Harmandir Sahib Amritsar and while on the way they went to Tarn Taran at the house of accused Daljeet Singh Dhillon and thus, being in custody since 02.08.2018 in the absence of any evidence and the fact that trial is not likely to be concluded in the near future, no useful purpose will be served by his further detention.

On behalf of the accused petitioner Daljeet Singh Dhillon, Ms.Gursharan Kaur Mann, Advocate has argued that as per the own story

of the complainant, detailed in (Annexure P6) that the complainant had been turned out of her house by her family in the year 2011 and that the allegations against Rupinder Mann are only that they were living together in the paying-guest accommodation and the latter had tried to reform the complainant by giving her necessary counseling, arguing that there is inordinate delay in registration of the FIR which has come after about five years and there is no medical evidence to support any wrong doing qua accused petitioner Daljeet Singh Dhillon of having raped her. It was with much vehemence, learned counsel has placed reliance on (Annexure P1) copy of the DDR to drive home the fact that it was on account of personal vengeance with a political figure of the area, the petitioner being an outstanding international hockey player has been falsely implicated and the entire story of the prosecution is concocted as the petitioner resides in Ludhiana and how she happens to visit Tarn Taran, are matters of much significance. It is further contended that as per the transcription of the video recording the complainant accepts that she was introduced to drugs by her friend Balraj Singh (since deceased) and that nothing has been recovered from the petitioner who is in custody since 02.07.2018 and that the trial is not likely to be concluded in the near future and thus, prayed that the petitioner be granted bail.

Learned State counsel Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab assisted by Mr. Suneet Pal Singh Aulakh, Advocate representing the complainant has forcibly sought to oppose

grant of bail to the petitioners on the grounds that both the petitioners have taken undue advantage of a desolate deserted woman and have sought to blackmail her and put her into drug trafficking and if allowed bail there is every likelihood that they would influence the witnesses, and in view of the heinousness of the offence and seriousness of allegations disentitles them to any relief.

Appreciating the arguments of the two sides, petitioner Gurinder Singh admittedly is a businessman at Ludhiana and as per the allegations he was introduced to the complainant by Rupinder Mann and as per the own admission of the learned State counsel the only attribution against him is that he accompanied the two ladies to the house of the accused Daljeet Singh Dhillon and neither prior thereto nor subsequent to it there is any allegation which has been brought to the notice of the Court or evidence to that effect. He is behind the bars for almost four months.

As far as the allegations against accused petitioner Daljeet Singh Dhillon are concerned, they bear out that it is the complainant, a grown up lady aged around 26 years who has been deserted by her husband, had volunteered and on her own alleged to have visited the residence of this accused at Tarn Taran and it does not appeal to the mind of this Court that she has been forced to snuff the contraband. It is her own stand that Rupinder Mann too is a divorcee and had volunteered without there being any allegation of coercion or undue pressure of

having been forced into this trade. It is her own stand that she volunteered into this alleged consensual relationship regarding which, as has been accepted by the learned State counsel, there is no medical evidence to establish the allegations of rape. The alleged occurrence has taken place way back in the year 2013 and the FIR and alleged medical have come about after more than five years, are matters undermining the prosecution story, together with the document (Annexure P1) got recorded by petitioner Daljeet Singh Dhillon against a political figure of the area and the very transcription of the video recording of the complainant where she confesses of having been hooked to the drugs at the behest of Balraj who lived with her till his death, who too himself was a drug addict, further puts a big question mark on the veracity of the claim of the prosecution. As is admitted by the investigating officer before this Court through learned State counsel, there is no documentary proof regarding the call details between the complainant and the accused Daljeet Singh Dhillon or his co-accused. More so, there are no specific allegations for commission of crime with necessary particulars and all the allegations are vague and ambiguous. The petitioner is behind bars for almost five months.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioners shall be determined at the trial which is not likely to be concluded in the near future and that nothing has been recovered upon arrest of the accused

petitioners, this Court is of the opinion that this is a fit case for grant of bail. Accordingly, both the petitioners are ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, SAS Nagar (Mohali). However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Both the petitions stand disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 28, 2018

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No