

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

1. **Criminal Misc. No.M- 37886 of 2017(O&M)**
Date of Decision: February 19 , 2018.

Kamaljit Singh @ Baba PETITIONER(s)

Versus

State of Punjab RESPONDENT (s)

2. **Criminal Misc. No. M- 37406 of 2017(O&M).**

Satnam Singh PETITIONER(s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. N.S.Sodhi, Advocate and
Mrs. Taranjit Kaur Hundal, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Arun Bansal, Advocate
for the complainant.

LISA GILL, J.

This order shall dispose of CRM No.M-37886 of 2017 (Kamaljit Singh @ Baba v. State of Punjab) and CRM No.M-37406 of 2017 (Satnam Singh v. State of Punjab).

CRM No.M-37886 of 2017 has been filed by the petitioner –
Kamaljit Singh @ Baba for grant of anticipatory bail in FIR No.68 dated

19.04.2017 under Sections 406/498A/120B/419/494/420/495/465/467/468/471/406/376/376D/506 IPC, registered at Police Station Division No.7, Jalandhar.

CRM No.M-37406 of 2017 has been filed by the petitioner – Satnam Singh seeking concession of bail pending trial in the aforesaid FIR.

In respect to the petitioner – Kamaljit Singh @ Baba, it is submitted that he has been falsely implicated in this case only with a view to pressurize him to disclose the whereabouts of the complainant's husband, who was absconding at that point of time. In fact the petitioner-Kamaljit Singh @ Baba is a sooth sayer having a 'gaddi' at his residence. People visit the place on Tuesdays and Thursdays. The said petitioner, it is argued, is merely a spiritual guide. It is further submitted that allegations in the FIR in question do not constitute any offence qua the petitioner who is sought to be inculpated primarily on the basis of a supplementary statement of the complainant recorded on 29.04.2017. Moreover, the allegations in the FIR are highly improbable for the reason that the petitioner has three daughters, a son as well his wife residing in the same residential premises wherein the occurrence allegedly took place. Furthermore, no recovery is to be effected from the petitioner, who has joined investigation. It is thus prayed that this petition be allowed.

In respect to the petitioner – Satnam Singh, who seeks the concession of bail pending trial, it is argued that he has been in custody since 04.08.2017. He was not named in the FIR. It is in the supplementary statement of the complainant recorded on 29.04.2017 that allegations have been raised against him. It is argued that no such LIC policy in favour of the complainant as alleged was taken. The petitioner-Satnam Singh has been falsely implicated in this case.

No recovery has been effected from him. However, it is not disputed that the

petitioner-Satnam Singh is an LIC agent. It is thus prayed that this petition be allowed as well.

Learned counsel for the complainant has opposed these petitions, while submitting that the complainant, a young girl in this case was subjected to untold ill-treatment and harassment. She was kept under intoxication and subjected to rape due to the greed of the accused persons. Statement of the complainant, it is submitted, was recorded at the first instance on 01.04.2017 by the police authorities, wherein she has given the details of the events as they unfolded. Thereafter a complaint dated 08.04.2017 was submitted before the Commissioner of Police, Jalandhar on the basis of which the abovesaid FIR was registered on 19.04.2017. It is contended that the complainant was kept under intoxication and her condition was such that some of the details were left out in the said complaint dated 08.04.2017 and specific details which though mentioned in the statement dated 01.04.2017 have been again given in the supplementary statement recorded on 29.04.2017. It is thus prayed that these petitions be dismissed.

I have heard learned counsel for the parties and have gone through the file with their able assistance.

FIR in this case was registered on the basis of a complaint dated 08.04.2017 submitted by the complainant before the Commissioner of Police, Jalandhar. As per the allegations in the aforementioned FIR, the complainant was married to one Jagjit Singh on 05.02.2017 through a website shadi.com. It is stated that the complainant's father was not well and two of her family members had passed away therefore, marriage was arranged at Gurudwara Singh Sabha,

village Shankar District Jalandhar. Lunch was arranged at Divya Jyoti Restaurant, Noor Mehal. It is stated that the co-accused Jagjit Singh (non-applicant) husband of the complainant booked a hotel at Jalandhar and kept her there for eight days. Thereafter, she was taken to Manali. On their return, the complainant was kept at the house of Baljit Kaur (wife of petitioner-Satnam Singh) and thereafter, for two days at the house of petitioner-Kamaljit Singh @ Baba. It is specifically stated that the complainant's husband used to administer drugs in her food due to which she usually fell asleep after embibing the same. The co-accused Jagjit Singh asked the complainant to sign a LIC policy of ₹90,00,000/-. When she refused, he physically abused her and forcibly made her append her signatures on blank papers. Furthermore, she was pressurized to bring power of attorney from her parents in respect to their property. Marriage was registered at Jalandhar on 03.03.2017 by the complainant's husband and on that very day, she was sent to Chandigarh alongwith her mother. It was discovered thereafter that ₹6,50,000/- was withdrawn from the account of the complainant's father. The money was withdrawn at Jalandhar allegedly by the complainant's husband. It is further stated that the complainant's husband had stolen 2,000 pounds belonging to her. He also withdrew money from her account, got her signatures on blank papers in a fraudulent manner and retained her passport as well as her mobile, I-Pad, jewellery etc.

In the supplementary statement recorded on 29.04.2017 (attached as Annexure P3 with CRM No.M-37886 of 2017), it is mentioned that the petitioner-Satnam Singh's wife Baljit Kaur was introduced to the complainant by Jagjit Singh as his aunt's (Bua's) daughter. Specific allegations of physical abuse

are detailed therein. It is specifically mentioned that the petitioner-Satnam Singh and Baljit Kaur stayed with them at the hotel. The complainant was never left alone. When her husband and petitioner-Satnam Singh used to go out, Baljit Kaur used to stay with her. The complainant was thereafter made to stay for four days at the house of Baljit Kaur. Allegations of forcing the complainant to sign on some blank papers and to take an LIC policy of ₹90,00,000/- from the petitioner-Satnam Singh are reiterated. It is specifically mentioned that the complainant was kept at the house of the petitioner-Kamaljit Singh @ Baba and when she used to sleep with her husband at night, the petitioners-Kamaljit Singh @ Baba and Satnam Singh were found on her bed in the morning. Her body would ache and when she complained about it to her husband, he said that it was normal after marriage. Her health, it is stated, deteriorated. Specific allegations of intoxication of the complainant are again mentioned.

I have also gone through the statement of the complainant recorded on 01.04.2017 i.e., before submission of the complaint dated 08.04.2017 (the same is not denied by learned counsel for the State). It is specifically mentioned therein that when the complainant was at house of the petitioner-Kamaljit Singh @ Baba, she used to sleep with her husband at the night, however the petitioners-Kamaljit Singh @ Baba and Satnam Singh were found on her bed in the morning. The complainant has clearly mentioned all the events that took place pursuant to an alleged conspiracy amongst all the accused persons. I find that there are specific and serious allegations against the petitioners. The said allegations have been raised on 01.04.2017 itself.

Keeping in view the facts and circumstances of the case, I do not find

any ground whatsoever to afford anticipatory bail to petitioner-Kamaljit Singh @
Baba and the concession of bail pending trial to petitioner-Satnam Singh.

Both the petitions are accordingly dismissed.

It is clarified that none of the observations made hereinabove shall be
construed to be a reflection on the merits of the case. The same are solely
confined for the purpose of decision of the present petitions.

February 19 , 2018.
'om'

(LISA GILL)
JUDGE

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