

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-38492 of 2017 (O&M)
Date of decision : November 19, 2018

Narinder Singh Randhawa and another

....Petitioners

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JS Bedi, Senior Advocate with
Mr. Vivek Salathia, Advocate, for the petitioners

Mr. C.L. Pawar, Sr. DAG, Punjab, for the State

Mr. Navkiran Singh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

CRM-4781-2018

For the reasons mentioned in the application, the same is allowed. Certain documents attached with the application are taken on record subject to just exceptions purely for the decision of the present petition and cannot be used for any collateral purposes. CRM stands disposed of.

CRM-12272-2018

Reply filed on behalf of the petitioners to CRM-4781-2018 is

taken on record. CRM stands disposed of.

CRM-M-38492-2017

This order shall dispose of anticipatory bail application under Section 438 of the Criminal Procedure Code of duo petitioners Narinder Singh Randhawa and his son Jasmeet Singh Randhawa filed in case FIR No. 121 dated 6.9.2017 under Sections 354, 376-D, 420, 406 IPC and Section 3 (1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The brief facts that are necessitated are that the petitioner are running Educational Institutions in the District of Ludiana and adjoining districts and on the allegations of one of the staff members, a teacher complainant in this case, the present case was got registered. The allegations are that the complainant accepts that she is working as a TGT Punjabi teacher-cum-Administrative Officer since 7.11.2016 in the school of petitioners at village Pacca District Faridkot and that petitioner Narinder Singh Randhawa on 8.11.2016 took the prosecutrix to a house at Talwandi Road where she was made to drink liquor and against her wishes she was ravished and on the next day was threatened by the accused not to disclose this fact else she would be fired from her job. It is further alleged that this petitioner Narinder Singh Randhawa often used to call her on numerous occasions and in the process used to satisfy his physical lust and thereafter this petitioner took Rs one lac in cash from the father of the prosecutrix on a fraudulent pretext. One month thereafter it is alleged that petitioner no. 2

Jasmeet Singh Randhawa started having physical relations with the prosecutrix and on 19.8.2017 a dispute arose between the management of the school and groupism between the staff had arisen and which has led to innumerable criminal as well as civil litigation.

Mr. Jasjit Singh Bedi, learned senior counsel for the petitioners has argued that the prosecutrix is a grown up mature lady of 25 years whereas petitioner no. 1 is an aged person of more than 63 years of age and both the petitioners who are father and son have been involved falsely as earlier 10 similar petitions were filed by the staff members by way of civil writ petitions on different dates for the action initiated by the school authorities against them and has sought to place reliance on Annexure P/16 and documents placed with the miscellaneous application arguing that services of the prosecutrix were terminated on 6.9.2017 and on the same very day, the present FIR was registered followed by civil writ petitions numbering ten being filed on 6.10.2017 onwards and three FIRs have been lodged as an arm twisting and nothing is to be recovered from the petitioners as since long time they are on interim bail and have joined the investigations.

On behalf of the State Mr. CL Pawar, Senior DAG Punjab assisted by Mr. Navkiran Singh, Advocate for the complainant has sought to oppose the grant of bail on the grounds that the petitioners being influential persons the employers of an academic institutions have misused their powers and position and taken undue advantage of the poor lady employees

and being repeated cases of rape of their teachers for which number of FIRs have been registered is reflective of their criminal background and if allowed bail, they would influence the witnesses and therefore, argued that the petitioners were not entitled to bail.

Appreciating the submissions of the two sides, the learned State counsel at the very on set has made statement that the petitioners have joined the investigations in consequence of interim order dated 12.10.2017 and thus, nothing is to be recovered from them. As has been observed, from the history of litigation civil as well as criminal between the petitioners school authorities and the staff is itself suggestive that all is not well and there appears to be something else which meets the eye as the staff apparently appears to be bent upon filing cases after cases for motivated cause. The petitioners have remained on bail since 12.10.2017 and have joined the investigations and apprehension that they might influence the witnesses is certainly unfounded. The correspondence placed on the records in this case including Annexure P/16 is itself suggestive of consensual relationship, if any. Culpability, if any, shall be determined at the trial. It would be traversity of justice to send the petitioners behind the bars at this juncture when they remained on interim bail for a long period of time.

In the light of the aforesaid, the interim bail granted to the petitioners vide order dated 12.10.2017 is made absolute till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petitioners shall abide by the conditions laid down in Section 438(2)
Cr.P.C.

With these observations, the present petition stands disposed off.

November 19, 2018
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(Fateh Deep Singh)
Judge

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