

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

CRM-M-594-2018

Date of decision:-24.7.2018

Harkamal Preet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Saurabh Kapoor, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.D.A.G., Punjab.

Mr.Atul Goyal, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Harkamal Preet Singh – an accused in FIR No.140 dated 24.10.2017,
under Sections 376/420/406 IPC, registered at Police Station City Raikot,
Ludhiana (R).

Briefly stated, the facts of the case as per the prosecution
story are that the complainant Navneet Kaur had submitted a written
complaint addressed to Senior Superintendent of Police, Ludhiana (Rural)
submitting therein that she was married with one Jagwinder Singh, who

died a few years earlier; that she was implicated in the case of murder of Jagwinder Singh; that the complainant was arrested but she came out on bail and started residing in the matrimonial home with her daughter; that after few months Harkamal Preet Singh contacted her and proposed to marry her; that Navneet Kaur refused to do so; that Harkamal Preet Singh sought permission to stay on first floor of her house as a tenant and the complainant agreed to that hoping that she would get some rental income; that Harkamal Preet Singh did sexual intercourse with her forcibly without her consent threatening the complainant with dire consequences, if she disclosed that fact to anybody and he had promised to marry the complainant. According to the complainant in order to save herself from humiliation and shame, she became ready to marry him; that Harkamal Preet Singh serving in the Indian Army posted in Sri Nagar used to visit the complainant from time to time when he came on leave; that during his last visit, he promised to marry the complainant and demanded money from her for bearing charges for registration of plot, which according to him he was going to purchase in his name as well as that of the complainant. According to the complainant, she paid money to the accused by selling her shop but later on, she came to know that the accused had purchased the plot in his sole name; that accused maintained physical relations with the complainant for several months on the pretext of getting married with her in a few days and kept on borrowing money from her on one pretext or the other; that the complainant had got her FDR encashed and gave Rs.2 lakhs to him; that the complainant had alleged that brother of accused namely Laddi also came to her house when

Harkamal Preet Singh was in Sri Nagar and tried to molest her but when the complainant protested, he ran away; that the complainant had informed Harkamal Preet Singh but he did not take any action, rather both of them came to her house and gave beatings to her; that they forced her to consume poison and ran away, when she became unconscious; that the complainant was taken to Government Hospital at Raikot. According to the complainant in some documents Harkamal Preet Singh has reflected her as his wife.

On the basis of that complaint, formal FIR was registered. Accused was arrested on 24.10.2017. He had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge, Ludhiana vide order dated 28.11.2017, therefore, the petitioner has approached this Court for grant to similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has argued that the petitioner is innocent and has not committed any offence; that he is serving in the Indian Army for the last about 10 years; that as a matter of fact the petitioner had needed some money to purchase a plot and Navneet Kaur, the complainant, who used to reside in that very locality had been engaged in money lending, so the petitioner approached her and requested

for loan of Rs.2 ½ lakhs; that Navneet Kaur agreed to lend that amount to him on payment of interest; that since the petitioner could not return the amount in time, Navneet Kaur started moving false complaints against him to police and Army officials claiming herself to be the wife of the petitioner. He further contended that the complaint was inquired into by Army officials and allegations of marriage so levelled by the complainant were found to be false; that the petitioner was directed to return the money to the complainant and at the asking of his officers, the petitioner came to her home to return the loan amount; that the complainant refused to accept the amount and moved false complaints. Learned counsel for the petitioner has also contended that since the petitioner is living in his house along with his parents and the complainant had no room, which could be rented out, which is clear from the reply of RTI dated 9.11.2017 by Municipal Council, Raikot, the allegations of the complainant with regard to renting out a portion of her house to the petitioner had wrong; that as a matter of fact on an earlier occasion, the complainant tried to blackmail the petitioner by consuming drugs in order to force the petitioner to marry her; that as a matter of fact Navneet Kaur has formed a gang to trap different persons and to blackmail them using threats; that the real name of Navneet Kaur is Lakhvir Kaur alias Bobby and she was married to Bahadar Singh son of Dharaam Singh, resident of village Beed Bhamarasi, District Fatehgarh Sahib and out of that marriage, she gave birth to two children but to change her identity, she created a drama of suicide by jumping into the canal on 23.4.2007; that her father had got recorded a DDR at Police Station Bassi Pathana, then she changed her

name from Lakhvir Kaur alias Bobby to Navneet Kaur alias Sonia and started living with Jagwinder Singh and later on shifted to Raikot; that she got her husband Jagwinder Singh killed and for that an FIR No.3 dated 13.4.2016 under Sections 302/201 IPC was registered with Police Station Payal, District Khanna. He further submitted that the petitioner has not committed any offence and he be granted concession of regular bail.

This request is being opposed by learned State counsel vehemently contending that there are grave and serious allegations against of petitioner having sexually exploited the complainant and fleecing money from her.

After hearing the rival contentions of learned counsel for the parties, I find that it appears to be a case of consensual sex. The complainant is a mature woman and it cannot be believed that she could be sexually exploited by the petitioner under threat. If that was so then why did she agree to marry him as per her own version. The allegations in the FIR of petitioner maintaining physical relations with the complainant on the pretext of marriage etc. do not appear to be much convincing. She has been taking different stand at different stages alleging that the petitioner has been exploiting her sexually on the allurements of marrying her and other time stating that petitioner had married her by putting *SINDOOR* in her *MAANG* in the temple. Though the Army Authorities after holding inquiry are said to have found the allegations to be wrong. The credentials of the complainant herself are somewhat shady inasmuch as she was accused committing murder of her husband. It appears to be a case of the petitioner and complainant residing together in a live-in

relationship and petitioner maintaining physical relations with the complainant with her consent, though relations seems to have got strained and as such the complainant lodged the FIR. The petitioner is behind bars since 24.10.2017. He is facing trial in the Court of Sessions at Ludhiana. His guilt shall be determined during the trial. His further detention is not going to serve any fruitful purpose.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Ludhiana, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

24.7.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)

JUDGE