

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 6689 of 2018 (O&M)
Date of decision : 8.10.2018

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Jagjit Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

2) CRM-M No. 25811 of 2018 (O&M)

...

Baldev Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Gurvinder Arora, Advocate and
Mr. Amit Dhawan, Advocate
for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate General,
Punjab.

Mr. H.S. Jaswal, Advocate for the complainant.

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H. S. Madaan, J.

Vide this judgment I intend to dispose of CRM-M-6689-
2018 titled as Jagjit Singh vs. State of Punjab and CRM-M-25811-
2018 titled as Baldev Singh vs. State of Punjab, as both these
petitions have arisen out of the same FIR.

Petitioners Jagjit Singh and Baldev Singh have filed the present petitions for grant of regular bail, being accused in FIR No. 68 dated 19.4.2017, for offences under Sections 498-A, 420, 120-B IPC (offences under Sections 419, 491, 494, 495, 465, 467, 468, 376, 506 IPC were added later on), registered at Police Station Division No. 7, Jalandhar.

Briefly stated, facts of the case are that prosecutrix (name withheld to conceal the identity) was married with Jagjit Singh accused through matrimonial site 'Shadi Dot Com' on 5.2.2017. Thereafter, accused took her to various places, hotels. He used to give her drugs and performed sex with her. The accused asked the prosecutrix to append her signatures on the LIC Policy for Rs.90 lacs. The prosecutrix refused. He took her signatures on that document by force. He fraudulently withdrew Rs.6,50,000/- from the bank account of father of the complainant and committed theft of 2000 pound sterling, belonging to the prosecutrix. Subsequently, it came out parents of Jagjit Singh are alive, though according to Jagjit Singh they had expired before marriage between accused and prosecutrix. On the statement made by the prosecutrix formal FIR was registered.

Accused Jagjit Singh was arrested in this case on 11.7.2017, whereas Baldev Singh was arrested on 3.4.2018.

Petitioner Jagjit Singh moved an application for regular bail to the Court of Sessions, which was assigned to Additional Sessions Judge, Jalandhar, who vide order dated 5.12.2017 dismissed the same. Whereas Petitioner Baldev Singh had applied for

anticipatory bail before the Additional Sessions Judge, Jalandhar, which was dismissed on 30.5.2018. As such both the petitioners have approached this Court craving for grant of regular bail, by filing the present petitions, which prayer is being opposed by the State counsel.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

As far as accused Jagjit Singh is concerned, he is the main accused, against whom there are serious allegations of fraud, mis-representation, theft, criminal intimidation etc., as such he does not deserve the concession of bail, since if granted bail, there is reasonable apprehension of his absconding and trying to tamper with the prosecution evidence. Therefore, facts and circumstances of the case does not warrant his release on bail. The petition for regular bail so filed by him is doomed for failure. CRM-M-6689-2018 stands dismissed accordingly.

Coming to the petition for bail filed on behalf of petitioner Baldev Singh, father of Jagjit Singh, according to the case of prosecutrix, he alongwith his wife Sunita Devi had attended marriage between Jagjit Singh the prosecutrix, posing as *chacha-chachi* (paternal uncle and paternal aunt) of Jagjit Singh and it was only later on that it came out that both of them were actually parents of Jagjit Singh. Though if the allegations are correct the couple had done a wrong thing but then that how the complainant was seriously prejudiced, does not come out to be there. According to the complainant, accused Jagjit Singh had been using car and mobile phone of the petitioner Baldev Singh. Again I do not find such

allegations constituting a very serious offence. In my view petitioner Baldev Singh deserve to be granted bail. Therefore, petition so filed by him is accepted.

Therefore, the CRM-M-25811-2018 is allowed and petitioner Baldev Singh is directed to be released on bail on furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the 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 this the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to them, this order shall be liable to be withdrawn.

8.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No