

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-17760 of 2019 (O&M)
Date of decision : April 29, 2019

Ravinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Prateek Pandit, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State with
SI Devinder Singh, PS Subhanpur, District Kapurthala

Fateh Deep Singh, J. (Oral)

CRM-13514-2019

For the reasons mentioned in the application, the same is allowed. Annexures P/6 to P/8 are taken on record. CRM stands disposed of.

CRM-M-17760-2019

The present case was got registered by way of FIR No. 126 dated 12.10.2018 under Sections 323, 354-B, 376-D, 506 IPC and Sections 21, 22, 29 of NDPS Act, 1985, PS Subhanpur, District Kapurthala, by complainant, an unmarried girl between the age of 24 to 25 years.

The brief allegations are that at the behest of her acquaintance Bhola his co-accused Lakhwinder Singh @ Rimpa and Swaran Singh, she was forced into addiction of drugs. Subsequently, these accused persons had brought her in contact with one Jasvir Singh @ Shiri with whom the complainant claims that she had developed physical relations and was being repeatedly physically abused. It is alleged that on 10.10.2018, Jasvir Singh @ Shiri took her to the fields where one Sonu and four other boys defiled her. Thereafter the victim is alleged to have been left and when she regained consciousness met one Satpal who on the false promise to take her to the police station for lodging the report rather took her to a dwelling unit where the present petitioner along with accused non-applicants Sukhwinder Singh and Kulwinder Singh employees of a private Mill of the region made physical relations with her forcibly, leading to the registration of the present case.

Mr. Prateek Pandit, learned counsel for the petitioner contends that the similarly placed co-accused including Lakhwinder Singh @ Rimpa have been allowed bail by this Court vide orders dated 12.4.2019 and that two more FIRs of similar nature bearing FIR No. 146 dated 8.5.2018 under Sections 376-D and 354 IPC, Police Station City Khanna and FIR No. 136 dated 15.7.2018 under Sections 376, 506, 34 and 120-B IPC, Police Station Division No. 4, Jalandhar have been registered on similar allegations with the active connivance with the police to blackmail these persons and the

complainant is being used as a tool by the police to fleece the people on false grounds. It is further contended by the counsel for the petitioner that the complainant happens to be a heroine addict and is rather being misused by the police to attain a sinister design.

Mr. Avtar Singh Sandhu, Addl. AG Punjab assisted by SI Devinder Singh, PS Subhanpur, District Kapurthala has strongly opposed the bail to the petitioner on the grounds of seriousness of the allegations and heinousness of the offence claiming that the prosecutrix has been defiled repeatedly by these persons who are trying to misuse her. The State counsel with all fairness has conceded to as to earlier two cases got registered by the complainant against different set of persons on similar allegations.

Going through the arguments, the own stand of the prosecutrix that she has been hooked to drugs and the admission by the State that on similar other instances different criminal cases have been got registered against different persons at the behest of the present complainant. Furthermore the petitioner is a grown up lady and the different FIRs got registered by her at different points of time, a debatable issue arises as to the intent and purpose of these allegations which forms different FIRs and the claim of the petitioner that she is habitual in blackmailing the people cannot be ruled out at this juncture. The petitioner is behind the bars since more than six months and the culpability, if any, shall be determined at the trial which is not likely to be concluded in near future, no purpose will be served by

retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

April 29, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No