

CRM-M-44152-2019

Date of Decision : 02.12.2019

Gurpreet Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Liaqat Ali, Advocate
for the petitioner.Mr. Pawan Sharda, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.**

The allegations against the petitioner-Gurpreet Singh, in this first anticipatory bail application under Section 438 Cr.P.C. in a case bearing FIR No.191 dated 29.08.2019 under Sections 417 and 376 of the Indian Penal Code registered at Police Station Focal Point, District Police Commissionerate Ludhiana, are as follows:-

The present case was got registered by a married lady with four kids who had been physically and mentally tortured by her husband, who was a drug addict. During the course of her dispute,

the petitioner, who happens to be posted as Head Constable, came in contact with the complainant and enticed her on the fraudulent pretext of marriage. It is on the basis of these assurances and pretence put up by the accused/petitioner, the complainant fell trapped and entered into physical relations with the petitioner, for assurance of which, the petitioner had given his sworn attested affidavit to the complainant. It is when the accused/petitioner backed out of the same, the present case was got registered.

Learned counsel for the petitioner *inter alia* submits that the complainant happens to be a married aged lady with kids and volunteered into this relationship, which was consensual and has sought to place reliance on the statement of the husband of the lady to substantiate the same.

The learned State counsel forcibly opposed the grant of bail on the grounds that the petitioner, being a police official, has misused his position and on the strength of the uniform, had taken complainant for a ride, unknowingly aware that he did not had any inclination to enter into this wedlock and, therefore, his custodial interrogation was very much essential.

Appreciating the arguments of the two sides, it is conceded at the bar by learned counsel for the petitioner as to the affidavit of the petitioner. The same reflects the assurance and undertaking to keep intact the relationship of husband-wife with the

complainant by the petitioner. Apparently, it was on this facade, set up by the petitioner, knowingly fully and aware that it was with a motive for the complainant to submit to his beastly physical desires. It needs to be highlighted that rape is the most morally and physically reprehensible crime and that in the present case, the consent of the complainant was obtained through deceit and the complainant was under misconception, for which, she had given this consent which cannot be considered to be valid. The petitioner, being an official of the police, has acted in a most disparaging manner to seduce the married woman, who was surrounded by her matrimonial miseries. The act and conduct of the petitioner certainly aggravates pitiable state of the complainant. The custodial interrogation of the petitioner is very much essential. This Court does not feels inclined to allow the present petition which is to be granted in the rarest of the rare findings and, thus, finding no merit, the present petition stands dismissed.

02.12.2019*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No