

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

201

CRM-M No.21925 of 2020

Date of Decision: December 22<sup>nd</sup>, 2020

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Anurag Arora, Advocate  
for the petitioner.

Mr. H.S. Grewal, Additional Advocate General, Punjab.

**(PROCEEDINGS THROUGH V.C.)**

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

In compliance with the order passed by this Court on 20.08.2020 followed by the order dated 03.12.2020, the Sub Divisional Judicial Magistrate, Phul, has submitted report dated 04.12.2020. In the said report, it has been stated as follows:-

*“3. Perusal of papers as well as statement of Harpreet Kaur reveal that Harpreet Kaur had appeared before the undersigned on 09.04.2020 also for getting recorded her statement under Sec. 164 Cr.P.C. Said statement (in sealed form) is already on the file. During her statement suffered today Harpreet Kaur admitted that when her statement was recorded by the undersigned under sec. 164 Cr.P.C. she was alone in the court and none else was there. She also admitted that even at that time she stated to the undersigned that she is suffering that statement out of her free will.*

*4. Further, Harpreet Kaur has now stated in her statement suffered today that she and Harpreet Singh (accused) are from same Village. They were having love affair but some of the villagers were against their marriage (in same village). The*

*villagers had threatened that they won't let them marry within same village and in case we both marry then the villagers would eliminate us. It is due to such pressure of villagers upon her and her family that she leveled allegations against Harpreet Singh. She explained that Harpreet Singh never used force against her (for sexual relations) and that their physical relations developed with her consent only. She also stated that she still loves Harpreet Singh only and she is to stay with him only. She stated that Harpreet Singh be released in this case.*

*5. Harpreet Kaur further stated that her parents and the villagers arranged her marriage (after registration of this FIR) with Gagan Deep Singh, son of Balveer Singh, resident of Veero ke kala but against her wishes. Due to the present case, Gagandeep Singh tortures her a lot. She is not to stay with Gagandeep Singh. She explained that her husband Gagandeep Singh threatened that if she would suffer statement in favour of accused Harpreet Singh then he will kill me and get registered a case against my family. Thus, she has threat to her life from her husband. If she goes to her parents then they will pressurize her to go to her matrimonial home only. Thus, she can not go either to her parental house or matrimonial house. Lastly she requested that she be sent with accused Harpreet Singh or to a safer Naari Niketan.*

*6. After perusing statement given today by Harpreet Kaur and after observing Harpreet Kaur's behaviour, it appears to the undersigned that today she is not under any pressure. She had come from her matrimonial home to suffer statement before the undersigned. She was personally explained by the undersigned that if she has any pressure from any corner to suffer the statement then she can explain it to undersigned but the girl was confident and her readiness was out of her free will only. She has suffered the statement today out of her free will only. There does not appear to be any pressure or force upon Harpreet*

*Kaur to suffer statement in favour of accused Harpreet Singh.*

*7. Harpreet Kaur herself stated that she is married to Gagandeep Singh but she wants to stay with Harpreet Singh. If she has threat to her from Gagandeep Singh even then she can not be sent with accused Harpreet Singh. However, on her request to send her to a safer Naari Niketan, Harpreet Kaur has been sent to Naari Niketan/ protective home, Jalandhar subject to her corona test. On her request for grant of free legal aid, necessary form has been got filled and signed from her.*

*8. Report is accordingly submitted please.”*

In the light of the above report, the present petition preferred under Section 439 of the Code of Criminal Procedure for grant of regular bail by the petitioner in FIR No.42 dated 08.04.2020 under Sections 376, 120-B, 379 and Section 201 (added later) of Indian Penal Code registered at Police Station Sadar, Rampura, District Bathinda, is allowed.

Petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Bathinda.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

**December 22<sup>nd</sup>, 2020**

*Puneet*

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No