

In virtual Court

CRM-M-27871-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27871-2020 (O&M)
Date of decision: 15.12.2020

Mandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Thiara, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. R.K. Gupta, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.101 dated 23.07.2020 under Sections 328, 376, 384 IPC, registered at Police Station Satnampura, Phagwara, District Kapurthala.

While granting interim bail to the petitioner, following order was passed by this Court on 21.09.2020: -

“...Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant/victim (name withheld), it is stated that the petitioner, by giving some drugs in the cold drinks, has committed rape with

the complainant/victim and prepared a video of having forcible sexual relations with her and is blackmailing and demanding money from her.

A careful perusal of the FIR shows that it is stated that on 29.05.2019, the victim booked an Ola cab as taxi, which was driven by petitioner Mandeep Singh. She used the taxi for going from Jalandhar to Phagwara and thereafter, she came back. The petitioner requested her that in future if she needs a taxi, he will provide the same. The victim and her husband were in a need of a permanent driver and as the victim was a frequent traveller from Jalandhar to Phagwara, she hired the services of the petitioner as a driver.

It is further stated in the FIR that on 01.09.2019, the petitioner stopped the car on the way and gave something to eat and drink to the victim, due to which, her head started rolling and she became unconscious and petitioner committed rape with her on the rear seat of the car and also prepared a video. Later on, he started blackmailing the victim on the pretext that he will make the said video viral if she does not give him the demanded money.

It is further stated that in the FIR that later on, the petitioner took the victim to Discovery at LPU guest house, Raj Guest House, Ranbir Prime Hotel in Jalandhar and Hoshiarpur and made forcible sexual relation with victim and from time to time, he had withdrawn a total amount of Rs. 3 Lakh by using the

ATM Card of the victim. With these allegations, the present FIR has been registered on 23.07.2020.

Learned counsel for the petitioner further submits that in fact it is the complainant/victim who had made sexual advancements towards the petitioner, which are supported by the various Whats app messages exchanged between the petitioner and victim. A copy of the same is placed on record as Annexure P-2 Colly.).

Learned counsel further submits that it is the own case of the victim that she was visiting various hotels/guest houses with the petitioner, where they had frequent sex with each other. Learned counsel for the petitioner has placed on record some entries of the hotels in support thereof and some photographs to show that the victim was seen with the petitioner in a happy mood as she is seen smoking and drinking with the petitioner in the photographs.

Learned counsel for the petitioner further submits that entire allegations made in the FIR are just to blackmail the petitioner and extract some money and in fact the petitioner was trapped by the victim for fulfilling her sexual desires.

It is further submitted that wife of the petitioner, namely Amandeep Kaur, has also made a complaint on 27.08.2020 to S.S.P., Jalandhar for further investigation of the case as her husband has falsely been implicated in the present FIR.

Learned State counsel, on telephonic instructions from ASI Parminder Singh, submits that it has been verified during investigation that both, petitioner and victim, stayed together in different hotels/guest houses and could not dispute the identity of the victim in the said photographs.

Learned State counsel further submits that during investigation, it is found that the petitioner was having two mobile phones and from the same, more than 1400 each calls were exchanged between petitioner and victim in the intervening period. Learned State could also not dispute the exchange of Whatsapp messages between petitioner and victim.

Learned counsel for the complainant submits that since the petitioner has made a video on his mobile on 01.09.20 19, he started blackmailing the victim.

After hearing learned counsel for the parties and in view of facts and circumstances thereof, I deem it appropriate to grant interim anticipatory bail to the petitioner till the investigation is complete in the FIR as well as enquiry in complaint given by the wife of the petitioner is complete.

Adjourned to 15.12.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to

do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

In the meantime, it is directed that the investigation of the case as well as enquiry on the complaint given by the wife of the petitioner be conducted in the supervision of a Gazetted Officer.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Palwinder Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

Learned counsel for the complainant has, however, submitted that SSP, Jalandhar, with whom a complaint is pending, has not taken final decision on it.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 21.09.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The concerned SSP is directed to decide the complaint dated 27.08.2020 within a period of two months from today.

15.12.2020
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No