

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33983-2020 (O&M)
Date of Decision:-18.12.2020

Sukhwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chander Kant Mahajan, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.120 dated 27.5.2020 at Police Station Lopoke, District Amritsar Rural under Sections 195-A, 295-A, 365, 269, 270, 188, 506 and 120-B of Indian Penal Code, Section 51 of Disaster Management Act, 2005 and Section 3 of Epidemic Diseases Act, 1897.
2. The FIR in question was lodged at the instance of Gurjit Kaur, wherein it has been alleged that her marriage with her previous husband Jobanjit Singh was dissolved in the year 2017 and thereafter she solemnized married with Gurjant Singh, but since he used to indulge in excessive drinking, she started residing at her parental home. It is alleged that while at her parental home, she came in touch with Gopal, who is brother of her sister-in-law and one

Vicky, who used to frequently visit them and who stated that Guru Gian Nath is holding the seat of Ashram Ramtirath Baba Girdarinath and he is not a good person and that they were to remove him from the said post and offered to give her a lucrative amount in case the complainant made a statement against Girdharinath to the effect that he had committed wrong deeds with her. The said Gopal and Vicky stated that the complainant would have to make the said allegations with the help of Lakhwinder Kaur. Thereafter, the aforesaid Gopal and Vicky took the complainant and Lakhwinder Kaur to the house of Tirath Singh where they met Joga Singh, Sukhwinder Singh (petitioner), Megha Singh and Sandeep Singh and they offered an amount of Rs.5 lakhs in case the complainant was successful in making false allegations. They were told that a video would be made wherein they would be required to state that Surajnath and Nachattarnath had raped them 5 months back and that although they had made a complaint to Baba Girdharinath, but he did not pay any heed. The complainant has stated therein that they accordingly made the statement as they were asked to do. Thereafter, on the basis of allegations made by the said ladies, an FIR i.e. FIR No.104 dated 18.05.2020, under Sections 376, 346, 379, 506 read with 34 IPC was lodged at Police Station Lopoke, District Amritsar against Baba Girdharinath and one Ravinder Singh. However, the complainant stated that in fact the said allegations against the aforesaid two were false and they had never raped them.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and in fact the present FIR has been lodged after the accused in the rape case, namely Baba Girdharinath and Ravinder had entered into a compromise with the prosecutrix in the said case

i.e. the complainant in the present case so as to falsely implicate the petitioner. It has further been submitted that in any case the main accused namely Gopal Singh and Vicky @ Tarsem Singh have already been granted bail by this Court and in these circumstances, the petitioner also deserves the concession of bail.

4. Opposing the petition, learned State counsel has stated that since specific allegations have been levelled against the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to the interim directions, the petitioner has joined investigation. It has been informed that pursuant to the direction issued by this Court, the petitioner has furnished the video recording today and that the same shall be passed on to the Investigating Officer.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the fact that the petitioner has already joined investigation and that the co-accused have already been granted bail, the instant case is not such where custodial interrogation would be required. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 23.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

18.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No