

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

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**CRM-M-741-2020 (O&M)
Date of decision: 13.09.2021**

Navjot Singh Sangha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Sukhcharan Singh, Advocate and
Mr. Ashutosh Gupta, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab
for the respondent-State.

Mr. Ankur Mittal, Advocate as Legal Aid Counsel and
Mr. Lalit Singla, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-6152-2020

For the reasons mentioned in the application, the same is allowed and FIR No.180 dated 10.08.2018 is taken on record as Annexure P-8.

CRM-M-741-2020

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.461 dated 13.12.2019 lodged under Section 376 of the Indian Penal Code, 1860 (for short, "the IPC") registered at Police Station Zirakpur, District SAS Nagar to which Sections 419 and 420 of the IPC were added lateron.

Vide order dated 05.03.2020, the petitioner was released

on interim regular bail by a Coordinate Bench of this Court.

Learned Senior Counsel for the petitioner at the very outset has submitted that on the face of it a false and fabricated case has been planted upon the petitioner by the complainant on the allegations that he forcibly developed physical relations with her on the pretext of marriage and just short of the marriage on 06.11.2019, the petitioner called off their marriage. It was submitted that there was no question of the petitioner forcibly developing physical relations with her as alleged. He submitted that both the prosecutrix as well as the petitioner were adults and the alleged physical relations, if any, were consensual in nature.

Learned Senior Counsel has submitted that the marriage between the parties was indeed fixed and was to be solemnized on 06.11.2019, however, at the last moment, the petitioner learnt about the antecedents of the prosecutrix that she was in the habit of fabricating allegations and filing false FIRs against innocent persons. Learned Senior Counsel has further submitted that it was in this background that the marriage between the prosecutrix and the petitioner had to be called off. Learned Senior Counsel has invited the attention of this Court to Annexure P-8 annexed with the petition which is an FIR No.180 dated 10.08.2018 under Sections 376 and 120-B of the IPC in Police Station Moti Nagar, District Police Commissionerate, Ludhiana registered at the instance of the present complainant against one Rajinder Singh Kang and his mother wherein she has levelled similar allegations as the one levelled in the FIR in question, of the accused forcibly developing physical relations with her on the pretext of solemnizing marriage.

Learned Senior Counsel has further submitted that in the FIR No.180 dated 10.08.2018 registered under Sections 376 and 120-B of the IPC in Police Station Moti Nagar, District Police Commissionerate, Ludhiana, allegations against the accused pertained to the period between April, 2018 and September, 2018 and strangely in the FIR in question the allegations pertained to June, 2018. It has been submitted that in the above circumstances, it leaves no manner of doubt that the prosecutrix was in the habit of filing false and fabricated complaints against innocent persons. Learned Senior Counsel has prayed that the petitioner, who was granted the concession of interim regular bail vide order dated 05.03.2020 has not misused the concession of bail and hence he be enlarged on bail.

Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, has apprised the Court that the evidence of the prosecutrix is underway and is likely to be concluded in the near future. On a query put to learned State counsel, if the petitioner has misused the concession of interim regular bail, he on instructions has replied in the negative.

Learned counsel appearing for the complainant has opposed the prayer made by learned Senior Counsel for the petitioner by urging that there are serious and grave allegations levelled against the petitioner of violating the modesty and person of the prosecutrix. He has, however, not been able to convert the fact that the prosecutrix had lodged FIR No.180 dated 10.08.2018 at Police Station Moti Nagar, District Police Commissionerate, Ludhiana wherein she had levelled almost similar allegations against the accused as the one levelled in the

case in hand.

Heard.

The petitioner has been in custody since 13.12.2019 and the trial is unlikely to conclude in the near future. The present petition is allowed and the interim regular bail granted to the petitioner vide order dated 05.03.2020 is confirmed and he is ordered to be released on regular bail by the trial Court/Duty Magistrate concerned on the bail bonds already furnished. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.09.2021

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No