

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-16071-2021 (O&M)
Decided on : 29.09.2021

Sukhwinder Kaur@ Sukhi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikramjeet Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

CRM-32430-2021

This is an application under Section 482 Cr.PC for placing on record the orders dated 06.07.2021 and 16.07.2021 (Annexures P-5 and P-6) vide which the co-accused have been granted interim anticipatory bail.

Application is allowed and the orders (Annexures P-5 and P-6) along with judgment are taken on record subject to all just exceptions.

Main case

Prayer in the petition filed under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.34 dated 10.03.2021 under Sections 376, 376-D, 342, 109, 34 IPC and Section 5(1) of Immoral Traffic Prevention Act, 1956 registered at Police Station Sadar Rupnagar District Rupnagar.

Learned counsel for the petitioner submits that the complainant

was working as a waiter in a dhaba being run by the petitioner. He submits that as the complainant would often misbehave with the customers, the petitioner turned her out of the job as a result of which she started threatening and blackmailing the petitioner to part with huge money else she would implicate her in a false criminal case. He still further submits that there were also a money dispute between the parties and this also was an added reason, which led to the registration of the FIR in question against the petitioner and others wherein false allegations were levelled that with the active connivance of the petitioner, co-accused committed forcible rape upon her besides making a video and clicking objectionable photographs of the complainant. He has invited the attention of this Court to compromise dated 15.04.2021 (Annexure P-4) stated to have been effected between the complainant and the petitioner as well as co-accused by urging that therein it stood reflected that there indeed had been some financial dealings between the parties, which was subsequently with the intervention of respectables and friend resolved. Learned counsel submits that the delay of seven months in the lodging of the FIR from the date of alleged occurrence coupled with the compromise arrived at, left no manner of doubt that it was on account of some misunderstanding and money dispute the instant FIR had been got registered against the petitioner. He also submits that co-accused Harpinder Singh @ Kala and Vijay Kumar had been extended the concession of interim bail by this Court vide orders dated 06.07.2021 and 16.07.2021 (Annexures P-5 and P-6) respectively.

Learned State counsel had been put on notice vide order dated 09.04.2021. He has vehemently opposed the grant of extra-ordinary

concession of anticipatory bail to the petitioner by urging that the complainant had been working as a domestic maid with the petitioner. The petitioner exploited a hapless woman by sending her to the dhaba/hotel being run by her where she was continuously raped by the co-accused Kala and Rana in a room provided by the petitioner herself. It was further submitted that not only this, the petitioner after threatening her with dire consequences forced the complainant into prostitution. He further submits that it was only once she managed to flee from the hotel of the petitioner on 08.10.2020, she approached the police with a complaint leading to the registration of the FIR in question and this explained the delay in the registration of the FIR in question. Still further, he submits that in her statement recorded under Section 164 Cr.PC the complainant had reiterated all her allegations against the petitioner. He submits that no doubt, co-accused had been granted interim bail by this Court vide order dated 06.07.2021 and 16.07.2021 respectively, however, the said bail had not yet been confirmed and was pending for consideration of this Court on 07.10.2021. He thus, prayed for dismissal of the anticipatory bail by urging that the custodial interrogation of the petitioner was necessary as she had criminal antecedents and was involved in another case registered on 24.02.2021 under various sections of Immoral Trafficking Act as well as two cases under the Excise Act.

Heard learned counsel and perused the material available on record.

Prima facie there are serious and specific allegations levelled against the petitioner coupled with her antecedents for which this Court

does not deem it fit to extend the extraordinary concession of the anticipatory bail as her custodial interrogation would be required.

Accordingly, the present petition stands dismissed.

29.09.2021
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(MANJARI NEHRU KAUL)
JUDGE

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