

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

CRM-M-19315-2021 (O&M)

Date of Decision:- 24.5.2021

Gurmeet Singh

.... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Sukhwinder Singh Kamboj, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,  
assisted by ASI Balbir Singh.

*(Proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.123, dated 16.11.2017, Police Station Badhni Kalan, District Moga, under Sections 376, 406, 420 IPC (Sections 25/27/54/59 of the Arms Act added later on).
2. Briefly stated, the facts of the case as per the prosecution version are that the complainant (name not being mentioned to conceal her identity and referred to as 'the prosecutrix') daughter of Chand Singh,

resident of Daudhar Sakri submitted a written complaint addressed to SHO, Police Station Badhni Kalan, in which she stated that in the year 2016, while she was doing work of marketing in a company at Mohali then she met Varinder Singh @ Velly, accused in January, who represented to her that he was working as an immigration agent and he would send her to Canada for Rs.15 lakhs; that Varinder Singh @ Velly visited her house and had a talk with her parents for sending her abroad stating that he would take all the money after grant of visa; that the bargain was struck at Rs.13,50,000/-; that the accused took original passport from the complainant; that on 10.4.2017, Varinder Singh @ Velly came to the house of the prosecutrix stating that she had been granted visa for going to Canada and since no other family member of the prosecutrix was present, the petitioner had sexual intercourse with her without her consent by giving allurement to the complainant with a visa for Canada further threatening her that in case she disclosed the incident to her family, then things would be quite bad and he would not return her passport. According to the prosecutrix, when her family members returned home in the evening, the accused asked them to give Rs.5,00,000/-; that the amount was given to him; that on 14.4.2017 Varinder Singh @ Velly sent a message to the complainant on Whatsapp that she was to fly to Canada on 17.4.2017 at 2:30 a.m. and her ticket had been booked; that on 16.4.2017, the complainant along with Varinder Singh @ Velly, his wife, his friend, parents of complainant and uncle went to Delhi Airport where Varinder Singh @ Velly told the complainant

that her flight had got late and she would have to go through Chennai; that thereafter Varinder Singh @ Velly along with his friend on the pretext of Chennai brought her to Mohali through local flight, kept her in a flat, took her mobile phone, made a call to her parents to arrange remaining money of Rs.8,50,000/- and on 3.5.2017 the petitioner again had sexual intercourse with the complainant, when she was alone in her parental house; that then he sent her outside the village in a car along with his friend while he himself remained at the house; that he received Rs.8,50,000/- from the parents of complainant; that a sum of Rs.4,44,000/- was deposited in the account of complainant on various dates; that Varinder Singh @ Velly withdrew that money through ATM card; that the accused allured brother of complainant, who was in Dubai to send him to Canada; that he had taken a sum of 31,14,000/- from the complainant and her brother but he neither arranged their immigration to Canada nor returned the money.

3. It is further the case of prosecution that the prosecutrix suffered a supplementary statement on 5.12.2017 (Annexure P-2) wherein she named four more accused as Lucky, Sarpreet Singh, Prince and Channi and stated that they were friends of Varinder and on his asking had also raped her. To the similar effect is the statement of the prosecutrix recorded in terms of Section 164 Cr.P.C.
4. It may here be mentioned that while the main accused named in the FIR namely Varinder Singh was found guilty and convicted by the trial Court vide its judgment dated 6.3.2020, a supplementary challan

was filed against the co-accused including the petitioner on 29.9.2020.

5. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that a perusal of the FIR would clearly show that the allegations pertaining to the rape and pertaining to depriving the complainant/victim of an amount of Rs.31.14 lakhs have been levelled only against the main accused namely Varinder Singh.
6. Learned counsel for the petitioner has further submitted that in fact when the prosecutrix stepped into the witness box during the course of trial, she has given a clean-chit to the petitioner as would be evident from her statement dated 8.3.2021 (Annexure P-4).
7. Opposing the petition, learned State counsel has submitted that in view of the serious nature of allegations, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 11 months and that he is not wanted in any other case.
8. I have considered rival submissions addressed before this Court.
9. It is not in dispute that no allegation of any sort were raised against the petitioner in the FIR and it is only in the supplementary statement of the victim that he came to be named. In any case, after the supplementary challan was filed, the victim has already been examined by the trial Court and she has not stated a word against the petitioner. The petitioner has been behind bars since the last about 11 months. In these circumstances, particularly when the victim has not

supported the case of the prosecution, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**24.5.2021**

Mohan

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No