

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M-38257 of 2020 (O&M)
Date of Decision: 29.7.2021**

Kamalpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Gurpreet Singh Dhillon, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

None for the complainant.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 369 dated 1.11.2020 registered under Section 376 IPC at Police Station Sohana, District SAS Nagar.
2. By an order dated 23.3.2021, this Court had granted interim bail to the petitioner and directed him to join investigation.
3. Learned counsel appearing on behalf of the respondent—State, on instructions from SI Barma Singh, submits that the petitioner has joined the investigation.
4. I have heard learned counsel for the parties.
5. In view of the fact that the petitioner has joined the investigation, the instant petition is allowed and the order dated 23.3.2021

granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

6. However, before parting with this order, this Court would like to deal with the report that has been received pursuant to the order dated 17.2.2021. On 17.2.2021, during the course of hearing, learned counsel for the complainant had alleged that the complainant is in possession of information to the effect that the petitioner had managed the police as well as approached the Judge through President (of the High Court Bar Association, Chandigarh). Keeping in view the nature of the allegations made by the complainant, this Court had marked an inquiry, while directing the petitioner and the complainant to hand over their respective mobile phones to the Senior Superintendent of Police, SAS Nagar, Mohali, who was directed to look into the matter and submit a report. In pursuance to the direction of this Court, the Senior Superintendent of Police, District SAS Nagar, Mohali, has submitted a detailed report, the conclusion part of which reads as under:-

“After listening to both the parties so far, reading the statements and documents obtained carefully, it has been found that only photostat copies of WhatsApp messages have been submitted by Gagandeep Kaur. These copies cannot be relied upon nor can they be legally proved. In addition, Gagandeep Kaur's statement regarding the actual source and date of WhatsApp messages is self-contradictory and is surrounded by suspicion. Gagandeep Kaur has not been able to produce any evidence/witness regarding the abovesaid WhatsApp message/chat, which proves that this WhatsApp chat was done by Kamalpreet Singh with a third person. According to the

para No.3 of the report/case No. (108-2021/CFLAB) of Forensic Science Laboratory, it is pertinent to mention here that as per the questionnaire, no chat data of WhatsApp particularly related to given printouts has been found in the extracted data of the Ex. -2 and Ex. 3. In the light of the above facts and circumstances of the said inquiry, the allegations made by Gagandeep Kaur against Kamalpreet Singh are baseless and there is no truth in them.”

7. From perusal of the report, it is clear that the complainant made irresponsible allegations, not substantiated by any documentary proof. Such conduct of the complainant is highly deprecated. Needless to mention that the learned counsel for the complainant has not appeared today.

8. Having perused the report, no further action is called for.

29.7.2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No