

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

CRM-M-189-2021 (O&M)
Date of Decision:- 16.9.2021

Mangal Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldip Singh, Advocate, for the petitioner.

Mr. Karambir Singh, AAG, Punjab,
assisted by ASI Kulwant Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 241, dated 1.12.2020, Police Station City Fazilka, District Fazilka, under Sections 384, 389, 420, 506, 120-B IPC.
2. The FIR was lodged at the instance of Kulwinder Singh wherein it is alleged that he is into business of sale and purchase of buffaloes. It is alleged that about 20-25 days earlier, when he was at Miyani Basti, Fazilka, in connection with his business, three ladies met him and stated that they wish to sell their buffalo and asked the complainant to have a look at their buffalo. The complainant later came to know

about their names as Simran Kaur @ Simri, Mindo and Seema Rani. When the complainant went to Dhani Miyani Basti, Fazilka, to have a look at the buffalo, the said three ladies were accompanied by one more lady namely Sunita but no buffalo was there in the house. The complainant was made to sit on a cot and was offered tea. Seema Rani sat besides him and she tried to build up a conversation. At that point of time, one unknown person aged about 30-32 years came to the spot and confronted the complainant as to why he was sitting with the ladies of the house and alleged that the complainant was having an evil eye on the ladies and threatened to make a video.

3. It is alleged that a few days thereafter, the complainant received a telephone call from lady namely Simri who stated that a medical examination of Seema Rani had been got conducted and threatened the complainant to either give an amount of Rs.5 lakhs failing which he would be involved in a case of rape. Later, a deal was struck for an amount of Rs.1.8 lakhs, out of which the complainant gave an amount of Rs.1.5 lakhs to Shhindo Bai etc. The complainant has alleged that the said ladies had formed a gang in order to defraud and blackmail innocent persons.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the falsity would be evident from the fact that there is a delay of 22 days in lodging the FIR. It has further been submitted that in any case the petitioner is nowhere named in the FIR and has a clean record.

5. Learned State counsel has informed that since the complainant has made a supplementary statement nominating the petitioner as an accused, no case for grant of bail is made out. Learned counsel has however, informed that the petitioner pursuant to interim directions has joined investigation and that he is not required for any custodial interrogation and that he is not wanted in any other case.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that there is a delay of 22 days in lodging the FIR and that the petitioner is not named in the FIR and he came to be nominated vide supplementary statement which was recorded after about 1 ½ months of lodging of the FIR. In any case, since the petitioner is stated to be having a clean record and has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.3.2021 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.

16.9.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No