

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.9403 of 2021

Date of decision:27.05.2022

Kuldeep Singh @ Ravinder Singh @ Ruby ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. J.S. Dhaliwal, Advocate for the complainant.

SUVIR SEHGAL J.

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.40 dated 06.02.2021, Annexure P-1, registered under Sections 201, 376 and 506 of IPC, 1860, at Police Station Sadar Mansa, District Mansa, Annexure P-1.

Heard counsel for the parties.

A perusal of the record shows that FIR, Annexure P-1, has been registered on the statement of 23 year old prosecutrix on the allegation that she came in contact with Kuldeep Singh @ Ravinder Singh @ Ruby (present petitioner), when she was pursuing her under graduation. They became friends and started living together. Kuldeep Singh used to click her photographs on every occasion. In the year 2015, when she was alone at home, under the threat of a firearm, he physically assaulted her and clicked her nude pictures. He started blackmailing her and sexually exploited her a number of times. In 2019, she confided in her mother, who confronted the family members of Kuldeep, but they

express their helplessness. Now Kuldeep is threatening her that he will harm her brother, in case, she does not continue to be in a relationship with him.

While issuing notice of motion, this Court vide order dated 01.03.2021, granted interim anticipatory bail to the petitioner and directed him to join investigation. Although the petitioner has joined the investigation, but the prosecutrix has claimed that she has been repeatedly threatened by the petitioner forcing her to approach this Court by filing CRWP-6616-2021 seeking protection of her life and liberty. Vide order dated 20.07.2021, this Court directed the Senior Superintendent of Police, Mansa to examine the representation dated 02.07.2021 submitted by the petitioner.

During the course of hearing of this petition on 10.01.2022, it was submitted by the State counsel that the prosecutrix has submitted a complaint dated 30.12.2021 to the effect that the petitioner has been threatening and stalking her. On a direction passed by this Court, the complaint has been enquired into and a status report has been filed by way of affidavit dated 02.05.2022 of Deputy Superintendent of Police, Sub-Division Mansa, *inter alia*, stating as under:-

“2. That in compliance with the order dated 10.01.2022, it is stated that on 31.12.2021, an application was received from the complainant of the FIR against petitioner/accused for threatening the complainant and stalking her, before the office of The Station House Officer, Police Station Sadar Mansa, who had further entrusted the enquiry of the application, for verification of the facts to In-Charge Police Post Narinderpura, District Mansa.

During the enquiry proceedings as conducted by the Enquiry Officer SI Gurpreet Kaur, Incharge Police Post Narinderpura, District Mansa, she had got recorded the statement of complainant/applicant and the said statement of the

complainant was duly verified by the mother of the complainant namely Amarjeet Kaur. In the statement, complainant had mentioned that on 30.12.2021, at about 11:30 AM, when the complainant along with her mother Amarjeet Kaur and aunt (massi) namely Gulab Kaur resident of Aklapur had visited Mansa for her domestic works, then petitioner/accused riding on his Splendor motorcycle started following them from Village Khokhar Kalan to Mansa and told the complainant that he will publicize the obscene photographs of the complainant and will humiliate her. Due to the threats given by the petitioner/accused, complainant along with her mother and Aunt (massi) without finishing their work and out of fear of life and liberty had returned back.

From the statement of the complainant offence under Section 354-D/506 IPC, was found to have been taken place, on which, as per the statement of the complainant FIR No.92, dated 29.04.2022, under Section 354-D/506 IPC was registered against the petitioner/accused, at Police Station Sadar Mansa, District Mansa.”

From the above, it is apparent that despite an interim protection from this Court, the petitioner has been misusing the concession of bail and has been harassing, stalking and intimidating the prosecutrix. The Court is satisfied that in such circumstances, the interim protection granted to the petitioner, does not deserve to be extended.

In view of the above, there is no merit in the instant petition, which is ordered to be dismissed.

However, as the petitioner has been on interim bail, he is granted ten days time to surrender.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.05.2022

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**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes