

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-20031-2022(O&M)
Date of Decision: 12.05.2022**

Shalinderpal Singh @ Shelly

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. A.P.S. Sandhu, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.157 dated 22.06.2019, registered under Sections 498-A, 109 IPC (Sections 376-D, 506, 148, 149 IPC added later on), at Police Station Jandiala, District Amritsar.

As per the facts of the case, the present FIR was lodged by the complainant-prosecutrix on the basis of the various allegations contained therein. The sum and substance of the allegations in the FIR is that Gurpreet Singh @ Gopi and Sabinder Singh @ Shelly in connivance with each other had committed wrong act with the prosecutrix in September, 2018. Though she filed a complaint to the police, however, both the accused in the presence of the respectables of the Village admitted their mistake, and it was decided that Gurpreet Singh would marry the prosecutrix and she would withdraw her complaint. She got the matter compromised and as per the conditions of the compromise Gurpreet Singh solemnized marriage with her on 28.10.2018 as per Sikh rites. They started residing as husband and wife, however, thereafter Gurpreet Singh and his family members started harassing the prosecutrix and

commented that her marriage was just to save their skin from the criminal proceedings. They started beating her and started making conspiracy for separating her from Gurpreet Singh. She was warned that she could not do anything to them and their friend, namely, Sabinder Singh @ Shelly (petitioner herein). They hide the husband of the prosecutrix (Gurpreet Singh) and Sabinder Singh @ Shelly was connived with them in doing so. Sabinder Singh @ Shelly is employed in Punjab Police. The FIR in question was lodged to take legal action against the accused. Thereafter, investigation commenced and challan was presented against Gurpreet Singh @ Gopi, however, Sabinder Singh @ Shelly was kept in column No.2. However, during the trial the prosecutrix was examined as PW-2 and she deposed against the petitioner that he committed rape on her. An application was filed under Section 319 Cr.P.C. and the same was allowed by the trial Court vide order dated 17.02.2022 summoning accused, namely, Sabinder Singh @ Shelly. The petitioner has approached the Court of Additional Sessions Judge, Fast Track Court, Amritsar praying for grant of anticipatory bail, who, after hearing learned counsel for the parties, dismissed the same vide order dated 02.03.2022. Aggrieved by it, the petitioner has approached this Court by way of filing of the present petition for grant to anticipatory bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that though he was named by the prosecutrix at the time of lodging of the FIR, however, a thorough investigation was carried out and the petitioner was found innocent. He submits that the petitioner is employed in Punjab Police and has never been involved in any other criminal case. He has submitted that now he has been summoned under Section 319 Cr.P.C. and as the investigation is

already complete there is no purpose of his custodial interrogation at this stage and, hence, the petitioner be granted anticipatory bail.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that the prosecutrix has levelled specific allegations against the petitioner and co-accused Gurpreet Singh. The petitioner is employed in Punjab Police. It has been alleged by the prosecutrix that since beginning the petitioner is employed in Punjab Police and he along with the co-accused, namely, Gurpreet Singh had exploited her plight, and they committed wrong act with her in September, 2018. It was also alleged that both of them thereafter acknowledged their fault and as per their connivance, the prosecutrix was married with Gurpreet Singh. However, the petitioner was declared innocent at the time of presentation of the challan. The prosecutrix duly reiterated her allegations against the petitioner on the basis of which, the trial Court summoned him under Section 319 Cr.P.C. For the consideration of the anticipatory bail the Court is to see the factors like the gravity of the offence, chances of accused tampering with the evidence and probabilities of fleeing from justice etc. Weighing the facts and circumstances of the present case, and on the anvil of statutory parameters, this Court finds that the petitioner do not qualify for invoking the extraordinary jurisdiction in his favour, hence, the present petition being devoid of any merit is, hereby, dismissed.

12.05.2022

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No