

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-54665 of 2021
Judgment reserved on 23.03.2022
Date of Pronouncement:02.04.2022

Arshdeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Harjasdeep Singh Rana, DAG, Punjab.

Mr. H.S.Mann, Advocate
for the complainant.

SUVIR SEHGAL J.

Vide the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973, (for short, “the Code”), the petitioner has approached this Court seeking grant of bail in anticipation of his arrest in FIR No.72 dated 14.10.2021 registered for offences under Sections 376 and 420 of Indian Penal Code, 1860 at Police Station Lakhewali, Tehsil and District Sri Muktsar Sahib (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the complaint of a married lady (hereinafter referred to as “the prosecutrix”) against five accused on the allegation that she was married to Manpreet Singh in October, 2015, but the marital relationship

went sour and she went into depression. Gurmail Singh, who was known to her told her about Arshdeep Singh (present petitioner), who proclaims himself a Baba, has many disciples and people of nearby area visit him to pay their obeisance. He arranged for her meeting with him and she visited him frequently thereafter. He had a hidden place and all the five accused used to remain with him. With the passage of time, the co-accused won her confidence, administered intoxicants to her and sent her to the room of the petitioner late at night, who raped her on 11.11.2017. The complainant, resisted his attempts, but he promised her that he will marry her. Sexual assault continued for a long time. Co-accused also assured that they will get her divorce finalized and then marry her to the petitioner. The petitioner took her ATM Card, withdrew her salary and also clicked several photographs of her, which are with him. He misappropriated her entire salary, compelled her to take loans and used the loan amount to construct his house and even kept her Alto Car. She also borrowed money from several persons and gave it to the petitioner, who purchased expensive cars and a plot at Bathinda. He has also kept her gold and other expensive items. On 21.05.2019, was the last time he had forcible physical relations with her. On 26.05.2019, he bluntly told her that he will not marry her and that he had used her and had embezzled her money. On that day, she was physically assaulted by co-accused and thrown out of the house. Again on 19.06.2021, when she went to the house of the accused and asked him to marry her, his disciples and other accused persons punctured her wrist veins and she was admitted in a Govt. hospital. The prosecutrix submitted a complaint on

16.08.2021, which was enquired into and FIR (Annexure P-1) has been registered on 14.10.2021.

Counsel for the petitioner has contended that the petitioner has been falsely implicated and he never had forced physical relations with the complainant, who is an employee of the police department. It has been argued that the complainant, who is a married lady, has been in live-in-relationship with the petitioner since 2017 and prior to lodging of the FIR (Annexure P-1), no complaint of any sort had been given by her to any authority. An argument has been raised that the sole objective of the complainant is to grab the property of the petitioner as is apparent from the perusal of the panchayati compromises dated 03.05.2021 and 04.06.2021 (Annexures P-2 and P-3). Counsel has submitted that even the allegations of misusing her money are without any basis.

Per contra, State counsel has opposed the petition by placing reliance upon two status reports filed by the State. He has submitted that not only the statement of the complainant has been recorded under Section 164 of the Code, but she has also been medically examined, though the FSL report is awaited. Attention of this Court has been drawn to the enquiry which was conducted prior to the registration of FIR.

I have considered the submissions of counsel for the parties and perused the material placed on the record.

Very specific allegations have been levelled by the prosecutrix against the petitioner of raping her on numerous occasions for a period of one and a half year. It has been categorically alleged that after winning over

her confidence, she was given intoxicants in November, 2017, when he sexually assaulted her for the first time which continued till May, 2019. Throughout this period, the petitioner has probably been assuring the complainant of getting married to her and when the prosecutrix insisted, she was assaulted. The accused is alleged to have cheated her, embezzled her salary and misappropriated the loan amount.

Allegations are of a serious nature and have been supported by the prosecutrix in her statement under Section 164 of the Code. Reliance placed by counsel for the petitioner on the panchayati compromises (Annexures P-2 and P-3) will not be of any help, as on a direction by this Court, the State after verifying the alleged compromise, has filed a status report by way of an affidavit dated 15.02.2022 of Deputy Superintendent of Police, Sub-Division Malout, stating that although two witnesses to the compromise have affirmed the same, but the third witness has denied that any such compromise has taken place.

Supreme Court in **Vijay @ Chinee Vs. State of Madhya Pradesh (2010) 8, SCC 191** has held that the statement of the prosecutrix, if found to be worthy of credence and reliability, requires no corroboration and the accused can be convicted on the sole testimony of the prosecutrix.

Keeping in view the entire gamut of facts and circumstances as narrated by the prosecutrix in the FIR, the gravity of offence allegedly committed by the petitioner, who won over the trust and confidence of the prosecutrix and took advantage of the same, this Court is of the view that

the custodial interrogation of the petitioner in such a situation is imperative. Therefore, the petitioner cannot be granted the concession of anticipatory bail.

Petition is dismissed.

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

(SUVIR SEHGAL)
JUDGE

April 02, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes