

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246

CRA-S-2285-2022(O&M)
Date of decision : 19.12.2022

Surjit Singh

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Mandeep S.Sachdev, Advocate, for the appellant.

Mr. M.S.Joshi, Addl. A.G. Punjab

AMARJOT BHATTI J. (ORAL)

The appellant-Surjit Singh has filed the present appeal seeking direction to SHO/IO/Arresting Officer/Illaqa Magistrate to release the petitioner on bail in the event of his arrest in FIR No.110 dated 22.09.2022 under Sections 376/506 of IPC and Section 3/4 of SC and ST (Prevention of Atrocities) Act, registered at Police Station Divn. No.3, Jalandhar, District Jalandhar.

The facts of the case are that the victim gave her statement to the police that she has studied up to 10 + 2 and then completed computer course. In the year 2003, she started working as computer operator in the office of M/S Expert Pictures at 195, Railway Road, Jalandhar in the company owned by Surjit Singh. Initially she was given monthly salary of Rs.2500/- and after six months her salary was increased. After 3 years her salary was again increased to Rs.7,000/- per month and in the year 2013, she was getting salary of Rs.13,000/- per month. During this period, at one night, she was working till late and

she was told by Surjit Singh to stay in the office. She agreed and slept in the office and in the morning after taking bath she got ready. The owner came there and showed her a movie, in which she was taking bath. He told her to maintain illicit relations with him, in case she wanted that picture to be deleted. As per her version, during this entire period Surjit Singh forced her to have physical relations with him from time to time, at different places. He took her in a hotel at Shimla and she was also taken up to Kashmir many times. He threatened her that she belonged to a Adharmi and Chamariye community and she could not harm him. With these allegations present case has been registered.

The learned counsel for the petitioner argued that he is falsely implicated in this case. A false FIR has been registered against him to put pressure on him. He conceded that the complainant was a employee in his office. He had purchased a house from Smt. Parkash Kaur and allowed Smt. Tej Kaur, mother of the complainant to live in that house as a tenant. The complainant also took a loan from him during her job and in order to return the amount, she issued a cheque which had bounced and ultimately he had filed a complaint under Section 138 of Negotiable Instruments Act. He further stated that one ejection petition has been filed against Smt. Tej Kaur, mother of the complainant which was allowed on 31.07.2015 by the Rent Controller, Jalandhar. The execution is pending in that case. Under these circumstances in order to put pressure on the petitioner, the present FIR has been registered with false allegations. It is further pointed out that earlier on the complaint enquiry was conducted and he was found innocent by DCP Jalandhar and the report was approved by Commissioner of Police, Jalandhar on 06.07.2021. Thereafter, again a

complaint was filed against him, in which he was again declared innocent vide report dated 27.10.2021 approved by Commissioner of Police, Jalandhar on 02.11.2021. She again filed another complaint on 06.04.2020 which was marked to DCP and which was again found to be false. Thereafter, without taking into consideration the aforesaid enquiry reports, the present FIR has been registered by one ASI Police Station Division No.3, Jalandhar.

During the course of arguments, the counsel for the petitioner admitted that on account of one case registered at Shimla against him and the complaint, both of them had gone to Shimla to join the investigation. All the allegations are false, he is ready to join the investigation, considering the aforesaid factual position, his anticipatory bail appeal may be allowed. The counsel for the petitioner has also relied upon the authorities cited in **2014(26) R.C.R.(Criminal) 310 titled as Dharani Pradhan and Anr. Vs. State of Orissa**, where anticipatory bail was granted to the petitioners under the provisions of SC/ST Act holding that anticipatory bail application is not barred, where case is registered under SC/ST Act, in fact the court has to examine whether the offence is made out in the aforesaid provisions. On this point other authorities are also relied upon. It is prayed that anticipatory bail appeal filed by the petitioner may be allowed.

On the other hand learned counsel representing the State argued that there are specific serious allegations against the petitioner for physically exploiting the complainant. The investigation was conducted by ACP North and the statement of victim was also recorded under Section 164 of Cr.P.C. by the Duty Magistrate. Details of previous enquiry is also mentioned in the status report. It is argued that

there are specific allegations, therefore, he is not entitled to be released on anticipatory bail.

I have gone through the record, it cannot be ignored that the complainant is pursuing her complaint since long and various inquiries were conducted from time to time and finally the present FIR was registered, after long struggle. The complainant has leveled specific serious allegations against the petitioner that she was being sexually exploited, after making her video while she was taking bath. Thereafter, the petitioner maintained physical relations with her for years together by threatening and blackmailing her. It is not disputed that the complainant was a young girl, when she joined service with M/s Expert Picture at 195, Railway Road, Jalandhar, owned by the petitioner. She was allegedly continuously physically exploited. The petitioner is referring civil litigation on the one hand and on the other hand admitted going to Shimla with her in an enquiry. The allegations are specific and serious in nature. He is required to join the investigation on all the allegations levelled against him, for which the present FIR has been registered. Therefore, considering the gravity of offence, I do not find a fit case for anticipatory bail and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

19.12.2022
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No