

CRM-M-2403-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 20.09.2023

Manpreet Singh alias Money

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gurpreet Singh Bains, Advocate for the petitioner.

Mr. Dhruv Dayal, Addl.A.G., Punjab.

ARUN MONGA, J. (Oral)

Petition herein is under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') read with Section 438 Cr.P.C. for grant of pre-arrest bail to petitioner. Reliance is placed on a Division Bench of this Court in case titled *Bharat Inder Singh Chahal vs. State of Punjab*¹, contending that there is genuine apprehension of implication of the petitioner at the instance of respondent Nos.6 to 13 in a false criminal case.

2. It is averred that Bathinda Police in connivance with the police of nearby districts are making endeavors to implicate the petitioner and his family members in a false case and pressurize the petitioner to make the rape victim-complainant (to be referred as 'X') withdraw her complaint against ASI Gurvinder Singh-respondent No.6, who is an accused in an FIR No.68 dated 12.05.2021 under Section 376 IPC registered at Police Station Nathana, District Bathinda.

2.1. Earlier 'X' and other witness Bhola Singh in FIR 68 *ibid* had filed petition apprehending false implication vide CRM-M-21193-2021 which was

¹2007(3) RCR (Criminal) 977

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disposed of vide order dated 02.12.2021 (Annexure P-4) with the direction that she was not required in any case and in case need so arises, seven days clear notice would be given to her. 'X' had also moved an application before learned trial Court under Section 319 Cr.P.C. to summon four other police officials in the trial under Section 376 IPC and the said application is still pending. Petitioner is son of 'X' and, has every apprehension that a false case may be registered against him. Representations dated 29.12.2022 (Annexures P-6 and P-8) were also submitted to the higher police officers, but to no avail.

3. Learned State counsel refers to status report dated 25.04.2023, already on record, and submits that 'X' had also filed a petition i.e. CRM-M-20759-2021 before this Court seeking transfer of investigation of FIR No.40, dated 06.05.2021 registered against the petitioner to an independent agency headed by a woman IPS Officer and for issuance of direction to Investigating Officer of the case to cancel the FIR registered against the petitioner. An SIT headed by Ms. Gurpreet Deo, serving then as Additional Director General of Police, Punjab was constituted to investigate the case in FIR No. 40 *ibid*. Vide an order dated 02.12.2021, said petition was subsequently disposed of with liberty to avail remedies in accordance with law for redressal of surviving grievance, if any.

4. Petitioner has been granted the concession of bail in the FIR *ibid* i.e., FIR No. 40 dated 06.05.2021.

5. Counsel for petitioner further submits that except the above said FIR No.40, no other application/complaint or any other FIR is pending against petitioner in any Police Station in District Bathinda.

6. On a Court query, counsel for State, on instructions from HC Jagdip Singh, submits that respondent No.3 would comply with the mandatory provisions of Cr.P.C., including Section 160 thereof, before calling petitioner, in case the petitioner is required as a witness in any other case.

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7. In the premise, the instant petition is disposed of with a direction to the official respondents to issue a notice under Section 160 Cr.P.C. in writing before calling the petitioner for any enquiry, in case there is no other FIR registered against the petitioner.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 20, 2023
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No