

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2295-2023 (O&M)
Date of Decision:- 13.02.2023

Subhash Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Mehta, Advocate with
Ms. Irvanmeet Kaur, Advocate and
Mr. Vinod Kumar, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Brijender Kaushik, Advocate, for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in FIR No.0077, dated 26.3.2022, Women Police Station, Yamuna Nagar, under Sections 195, 195-A, 203, 211, 384, 120-B, 506 IPC and Sections 7, 8, 13(1) (b), 13(2) of the Prevention of Corruption Act, 1988.
2. The FIR in question was initially lodged at the instance of Sukhpreet Kaur wherein she alleged that on 12.1.2015, when she along with her sister visited Mulana University (District Ambala), in connection

with admission of her sister, she met one Yash Bansal. They remained in touch even thereafter and used to meet in his factory under the name and style of M/s Asian Plywood, Yamunanagar. It is alleged that said Yash Bansal, while holding out a promise of marrying the complainant, developed physical relations with her, but later left to Cameroon (Africa) while assuring her that he will call the complainant there. The complainant alleged that subsequently the relatives of Yash Bansal namely Vinay Bansal, Kamini Bansal and Kritika told her that Yash Bansal had died in Cameroon (Africa). Subsequently, Vinay Bansal pressed upon her to marry him and she reluctantly agreed for the same and Vinay Bansal also developed physical relations with her while assuring that he would marry the complainant. Vinay Bansal also introduced her to his parents Kamini and Sanjay Bansal. However, subsequently all the accused left for Cameroon (Africa) and when they returned back to India, they collected an amount to the tune of about Rs.4.80 crores from their clients which was due to be paid to them and after collecting the same they shifted to Ahmedabad and set up a factory there. Later, the complainant came to know that Yash Bansal was still alive and the family of Yash Bansal arranged a telephone chat between Yash Bansal and the complainant and Yash Bansal again promised to solemnize marriage. It is alleged that on 08.10.2021, Sanjay Bansal called her up and asked her to reach Mulana and when she reached there, she was raped by him. Later, when she went to the house of Sanjay Bansal and narrated the incident to Kamini, Vinay Bansal and Manisha Bansal, she was made a captive there by Sanjay Bansal,

Kritika and Ashul who had also reached there and her gold ornaments and mobile phone were snatched. Her signatures were obtained on blank papers and she was asked to stay away from their family. It is alleged that subsequently all the accused left for Cameroon (Africa). The aforesaid matter was investigated by the police. A Special Investigating Team (SIT) was constituted. Later, the investigation of the case was transferred from Yamunanagar to Ambala. In the Special Investigating Team, the petitioner was also made a member vide order dated 05.04.2022, passed by Additional Director General of Police, Ambala Range. Upon investigation, the allegation leveled against Sanjay Bansal was found to be false and he was discharged. Thereafter, vide order dated 22.10.2022 passed by Additional Director General of Police, Special Investigating Team was reconstituted to conduct further probe in the matter, during the course of which Sanjay Bansal disclosed that upon suffering huge losses he alongwith his sons had moved to Cameron (Africa) and when he returned back to India, their partners Satish Goyal and Rajesh Goyal quarreled with them and they (Sanjay Bansal and others) were thrown out of the factory.

3. It is further the case of prosecution that one Gaurav Partap came in touch with Kamini Bansal in context of business of import and export and in the process collected information about the entire Bansal family and also the dispute with Satish Goyal and Rajesh Goyal and while hatching a criminal conspiracy with co-accused, he got lodged the instant FIR against Sanjay Bansal, his son Vinay Bansal, his daughter-in-law Manisha Bansal, his wife Kamini Bansal, his son

Yash Bansal, his daughter Kritika Jain and son-in-law Anshul Jain through complainant Sukhpreet Kaur. It is alleged that huge amounts were extorted from Sanjay Bansal and other members of his family. Statements of Sanjay Bansal and Anshul Jain were recorded in terms of Section 164 Cr.P.C. and it was found that as a matter of fact Sukhpreet Kaur had lodged false FIR in connivance with Subhash Singh (petitioner) and others.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no convincing evidence either to suggest that the allegations as levelled by Sukhpreet Kaur are false or that Sukhpreet Kaur had lodged the FIR with the allegation of rape in connivance and at the instance of the petitioner.
5. On the other hand, learned State counsel, assisted by learned counsel for the complainant, while opposing the petition has submitted that during the course of investigation, sufficient evidence has been collected to show that the alleged prosecutrix as well as the petitioner and others were hand in gloves with each other so as to falsely implicate Sanjay Bansal and others for depriving them of their property and for extorting amount from them. It has been submitted by learned State counsel that the complainant is aged about 23 years which would mean that in the year 2015, she would be barely 15 years old. It has been submitted that the complainant does not have any sister and neither she nor her sister had applied or taken any admission in the Mulana College in the year 2015 and that in any case the said allegations came to be lodged after 6 years of the year

2015. Learned State counsel has informed that Sanjay Bansal was not even present in the country and it is on account of such evidence collected during investigation that initially Sanjay Bansal was discharged and later all the other accused who were named in the FIR were given a clean chit. It has also been informed that during the course of investigation, the call details record pertaining to phone of the petitioner had been collected which clearly shows that he had made two calls to the complainant Sukhpreet Kaur prior to lodging of the FIR and another call after lodging of the FIR. It has further been submitted that another person Gaurav Pratap had made as many as 400 calls to the petitioner and said Gaurav Pratap was also in touch with Sukhpreet Kaur and with one Ravneet Goyal who had lodged another case.

6. It has been submitted that the fact that petitioner had gone out of the way to lodge a false FIR at the instance of Sukhpreet Kaur would be evident from the fact that Sukhpreet Kaur who is a resident of Mohali had made transfer applications on two occasions so as to get the investigation transferred from Yamunanagar to Mulana, where the petitioner is posted. It has been submitted that while distance between Mohali and Mulana is about 80 kms, there are another about 5 police stations situated within District Ambala on way from Mohali to Mulana and that the specific choice of the complainant under these circumstances to get the investigation transferred to Mulana clearly shows that she was in hand in gloves with the petitioner.
7. This Court has considered the rival submissions.

8. The facts, as pointed out by learned State counsel do strongly point towards the involvement of the petitioner, who seems to have played an active role for the purpose of getting a false FIR lodged against Sanjay Bansal and others. Sanjay Bansal was found to be not even present in India when the offences in question are alleged to have been committed and had been in Cameroon (Africa) for a substantial period of time. It is on account of said fact that he was discharged by the police. In fact upon finding the allegations to be cooked up, the remaining persons had also been found to be innocent. The initial incident is alleged to be of the year 2015 i.e. 6 years prior to lodging of the FIR when the complainant was about 15 years old. Nothing has been shown to this Court so as to substantiate the assertions as made in the FIR to the effect that she alongwith her sister had gone to Mulana college, for getting her admission inasmuch as neither the complainant is found to have any sister nor there is any document to show that she or any of her sister had applied for admission in the year 2015.
9. The petitioner, who is a police officer seems to be in touch with the prosecutrix and also other accused. Rather the call details record as collected by the police shows that he had made two calls to complainant Sukhpreet Kaur shortly before the day of lodging FIR and another call after lodging of the FIR. Several other calls have been exchanged between the petitioner and co-accused Gaurav Pratap. Gaurav Pratap had exchanged calls with Sukhpreet Kaur and also with another lady Ravneet Kaur who is also stated to have levelled identical allegations in another case.

10. Apart from all other facts, the anxiety of Sukhpreet Kaur to get the investigation transferred to Mulana by moving two separate applications and by specifying the said police station, which is the police station where the petitioner was posted, clearly shows that the petitioner and Sukhpreet Kaur were hand in gloves with each other for the purpose of falsely implicating Sanjay Bansal and others. The petitioner being a member of disciplined force was expected to have maintained a conduct above board so as to instill confidence of some kind of security in the minds of people, but he has worked to the contrary. His custodial interrogation would be required to unearth finer details of conspiracy and its execution.
11. In these circumstances, no special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

13.02.2023
mohan

(GURVINDER SINGH GILL)
JUDGE

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