

In the High Court of Punjab and Haryana at Chandigarh

2023:PHHC:060715

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CRM-M-13513 of 2023

Date of Decision: 28.04.2023

Manjinder Singh

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Prateek Sodhi, Advocate
for the petitioner

Mr. Shiva Khurmi, AAG, Punjab

Mr. Parminder Singh, Advocate
for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 17.3.2023, the following order was passed by this
Court:-

*“Through instant petition under Section 438 of
Code of Criminal Procedure, 1973, the petitioner
is seeking anticipatory bail in FIR No. 203 dated
21.07.2022, under Sections 376 and 506 of IPC,
registered at Police Station City, Kharar.*

*Learned counsel for the petitioner
inter alia contends that petitioner had always
treated prosecutrix as his sister. The son of the*

prosecutrix is almost of the same age as of the petitioner. The petitioner is a cricket player and he has played Ranji trophy as well as other matches in and outside the country. The prosecutrix had alleged that she had spent Rs. 15 lakh on the treatment of petitioner whereas there is no evidence of illness of the petitioner. He was never admitted in hospital so there is no question of incurring of cost of Rs. 15 lakh on account of illness of the petitioner. The allegation of drawing of Rs. 30000-350000/- per month is also factually incorrect because it was prosecutrix who was having credit card of the petitioner. The whatsapp chat vindicates stand of the petitioner.

The petitioner has placed on record only whatsapp messages sent by the prosecutrix whereas messages sent by petitioner are not on record.

Mr. Amish Sharma, AAG, Punjab is directed to verify factum of expenses of Rs. 15 lakh on medical treatment as well go through whatsapp messages sent by the petitioner to prosecutrix which may be collected from prosecutrix.

Adjourned to 24.03.2023.”

2. The State has filed reply dated 21.04.2023 disclosing that prosecutrix time to time had borrowed money from private financiers and transferred the same to the petitioner. As per preliminary investigation, the petitioner has committed offence punishable under Section 376 IPC.

3. Learned counsel for the complainant, during the course of hearing, submitted bank statements of the parties as well as photographs which clearly indicate physical relations between the prosecutrix and petitioner. The photographs are returned back to learned counsel for the complainant.

4. I have heard counsel for the parties and perused the record.

5. The petitioner has taken a categoric stand that he always treated the prosecutrix as his sister and the prosecutrix is a married lady and till date she has not got divorce, thus, there was no question of solemnizing marriage. It is petitioner who had transferred money in account of the prosecutrix and she is using debit card of the petitioner.

The petitioner is solely relying upon whatsapp chat which belies contention of the petitioner that he had treated prosecutrix as his sister. The petitioner in his mobile phone has saved name of the prosecutrix as “Fuddu Janani” which cannot be by a gentleman

leaving aside a brother. The photographs produced by the complainant during the course of hearing further indicate that there was physical relation between the parties and petitioner is claiming that prosecutrix was his sister. The petitioner has not only prime facie committed offence of rape but also attempted to tarnish relations recognized and respected in the Indian culture. The petitioner has misused his fiduciary position, thus, his act and conduct do not warrant concession of anticipatory bail. There is certainly need of custodial interrogation so that actual facts and figures may come on record.

6. In view of the above, the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

28.4.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No