

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 215

Criminal Miscellaneous No.M-17249 of 2023

Date of Decision: April 19, 2023

Sarabpreet Singh Matharoo @ Sandy Matharoo

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Dr. Anmol Rattan Sidhu, Senior Adocate with
Mr. Sukhcharan Singh Gill, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Ms. Monika Thakur, Advocate for the complainant.

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Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.187 dated 02.09.2022, under Sections 384 IPC and Sections 66-A, 67, 67-A IT Act (Section 376 IPC added later on), registered at Police Station Sarabha Nagar, District Ludhiana.

2. As per allegations in the FIR, lodged by the victim/complainant, the petitioner used to visit their house, and in July 2018 started contacting her on mobile. In the absence of her parents he used to visit their house. One day when family members were not there, the petitioner came to her house, forcibly developed physical relations with her and clicked her objectionable photographs also. She tried her level best restraining him from doing so, but he did not stop. Thereafter, he met her a number of times and whenever she refused, he would threaten to upload her photographs on social media. She continued to bear this for the sake of avoiding humiliation at home and due to fear of society. In August 2021, the

complainant asked him not to do such things any more and delete her photographs. On which the petitioner asked her to meet him once again, and that he would delete her photographs in her presence. On this, on 13.08.2021, again she went to meet the accused and sat in his car. There, she saw that one more person was present inside the car. She got frightened, and asked the petitioner to delete the photographs as she had to go home. He did not do so. Thereafter, the petitioner and the other unknown person raped her. When she reached home, the petitioner's wife was also present there with her (complainant's) family members. She disclosed all this to her family members on 13.08.2021 itself. After some time, the petitioner and his wife returned home. Regarding the incidents, some meetings were held by her family members with the petitioner/accused, wherein the latter demanded ₹ 5 lakhs for ending the issue. On 18.08.2021, the complainant's family members gave an amount of ₹ 5 lakhs to the petitioner and his wife in cash for closing the matter and saving their reputation in society.

3. Learned counsel for the petitioner contends that the allegations are false on the face of it and it cannot be believed that the petitioner would be committing rape upon the complainant over a period of three years without any protest by her; that too when both the families were known to each other and had good relations. It is further contended that both, the petitioner as well as the complainant, are about forty years of age and married to their respective spouses. There were financial disputes between the parties, and the petitioner had filed a complaint also in that regard dated 05.04.2022 (Annexure P-7). It is also submitted that the complainant earlier lodged a complaint on the same allegations on 10.01.2022 (Annexure P-4). As the disputes were essentially financial, the petitioner and the complainant entered into a compromise and she stated that she did not want to take any

legal action in the matter. Therefore, the complaint was closed/filed vide communication dated 04.04.2022. It is only to settle scores that the instant FIR has been lodged. Investigation of the case is over and the petitioner is in custody since 16.10.2022.

4. Learned State counsel, on instructions from ASI Jagjit Singh, oppose the grant of bail on the ground that allegations against the petitioner are serious in nature and the charges against him have also been framed. Nine witnesses are yet to be examined. Learned counsel for the complainant submits that the petitioner is in the habit of harassing ladies, and there is another FIR No.397 dated 03.07.2020, under Sections 120-B, 354-A, 406, 420, 498-A, 504 IPC, registered at Police Station Sirsa City, Sirsa. Therefore, he should not be granted bail.

5. The submissions made by learned counsel for the parties have been considered.

6. Undisputedly, both, the petitioner and the complainant are married and of mature age. The two had family relations. The FIR has been lodged after about four years of the first incident of rape. So far as the other FIR against the petitioner is concerned, as submitted by learned senior counsel, it pertains to matrimonial offences alleged by the petitioner's maternal aunt's daughter-in-law, wherein he has been made an accused being a mediator for the marriage between the parties. It, therefore, cannot have any bearing on the instant case. In the circumstances explained above, culpability of the petitioner is a matter of trial which will take some time to conclude. Investigation of the case is already over and nothing is to be recovered from him. Therefore, no useful purpose will be served by confining him to custody any longer.

7. Accordingly, the petition is allowed and the petitioner is

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ordered to be released on bail to the satisfaction of trial Court/Duty
Magistrate concerned.

(Tribhuvan Dahiya)
Judge

April 19, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No