

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211-B

CRM-M-22261-2023

Date of Decision: 03.08.2023

Gagandeep Singh

.... Petitioner

Versus

The State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Navraj Singh, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Rahul Bhargav, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 407 dated 07.12.2022 registered under Section 346 IPC [Section 376 IPC was added later on vide G.D.No. 42 dated 06.03.2023 (Annexure P-6)] at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

On 04.05.2023, this Court had passed the following order :-

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.407 dated 07.12.2022 under Section 346 IPC (Section 376 IPC has been added later on vide G.D. No.42 dated 06.03.2023) at Police Station, Maqboolpura, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner contends that the petitioner and complainant’s daughter/victim were in a live-in relationship. They had approached Human Rights Commission by filing complaint No. 9966/22/2022 seeking protection to their life and liberty. A joint affidavit dated 07.12.2022 was filed by them, wherein the victim claimed herself to be 20 years of age, and apprehended threat from her parents including the complainant, who want to marry her to someone in Dubai to which she was not agreeable. She was threatened not to leave home or else there would be serious consequences. She want to marry another boy, and, therefore, somehow managed to run away from her house on 01.12.2022. The petition was disposed of by the Human

Rights Commission vide order dated 12.12.2022 by issuing appropriate directions to the authorities concerned. The victim was staying with the petitioner and his mother all this while her father/complainant came and forcibly took her away on 04.03.2023. The petitioner was beaten up by the complainant and some other persons who accompanied him. An FIR in that regard was registered on his complaint, i.e. FIR No. 42 dated 05.03.2023, under Sections 458, 365, 323, 506, 148 and 149 IPC at Police Station Dhanaula, District Barnala, against the complainant and his family members. Apparently, therefore, the petitioner has been falsely implicated to settle scores.

3. It is further contended that after the victim was forcibly taken away by her father/complainant, the petitioner filed a habeas corpus petition bearing CRWP No.2220 of 2023 titled Gagandeep Singh v. State of Punjab and others before this Court, wherein a warrant officer was appointed. The statement given by the victim to the warrant officer, dated 07.03.2023 has been placed on record as Annexure P-3, wherein it has been stated that she was living with the petitioner in a live-in relationship for the last three to four months at her own will, but the petitioner had started quarreling with her for the last two to three months, and she telephonically called her father to take her away. On 04.03.2023, she was taken by her father to his village.

4. Notice of motion.

5. Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State. Mr. Rahul Bhargav, Advocate, has put in appearance on behalf of the complainant, by filing memo of appearance and the same is taken on record.

6. Learned State counsel, assisted by learned counsel for the complainant contends that in victim's statement recorded under Section 164 Cr.P.C., she has levelled allegations of forceful confinement and rape against the petitioner and his brother. It is also contended that she has now been allowed to abort her pregnancy under orders of this Court.

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

8. The victim is major, aged about 20 years, and has earlier filed a joint affidavit dated 07.12.2022 while staying in the petitioner's home stating that she was in a live-in relationship with him, and apprehended threat from her parents. Later, to the warrant officer appointed by this Court, she again stated that she was willingly staying with the petitioner for the last three to four months. Therefore, it is deemed appropriate to admit the petitioner to interim bail.

9. Adjourned to 03.08.2023.

10. To be heard along with CRM-M-19290-2023.

11. In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the order dated 04.05.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sukhdev Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 04.05.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

03.08.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No