

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-30377-2023

Date of decision: 01.09.2023

JUGRAJ SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.29 dated 21.03.2023 under Sections 376 and 506 of IPC, 1860, registered at Police Station Sultanwind, District Amritsar City.

2. The FIR was registered on the basis of statement given by the prosecutrix and is reproduced as under:-

"Statement of Rajbir Kaur daughter of Late Jora Singh, resident of Plot No.17 Kot Mit Singh Bhai Manjh, near Water Tank's backside, Tarn Taran Road, Amritsar, aged about 22 years, mobile No.855946588. Stated that I am resident of above address and my date of birth is 29.10.1999. I studied upto Class 12th from Police DAV Public School, Lawrence Road and now I am studying at Tri-Shatabdi Guru Gobind Singh Khalsa College, near Gurudwara Bibeksar Sahib, Amritsar in BA 2nd year. Jugraj Singh son of Nirmal Singh, resident of House No.33, Gali No.02, New Kot Mit Singh, near Harjinder Palace, Tarn Taran road, Amritsar is a known

person to us and he was my sworn brother. This fact was known to him that I studied IELTS and my mother is finding suitable groom for me and she wants me to send abroad, then he asked my mother that he got divorce from his wife and he is also in search of a girl to get settled abroad and he asked to do contract marriage with me for sending me abroad and we fell ourselves in his words and on 21.11.2022 Jugraj Singh got my signatures on contract papers. On 02.12.2022 he got married to me at Gurudwara Singh Sabha, Gate Hakima and Jugraj Singh took my passport, Pan Card, Aadhar Card, certificates of 10 and 12, certificate of Gurudwara Sahib, my passport size photographs from us by saying that he has to give all these to get prepared my file for abroad. On 31.01.2023 I headed towards my college and it was around 09:00 AM morning, Jugraj Singh came to our street in his car Marka Indica and got me seated in his car under the pretext to leave me at College and in the way he sprinkled intoxicated spray and took me to his house, where nobody was present in his house. After coming inside the room he started doing wrong activities with me. I tried to stop him, but he started threatening me and without my consent made physical relationship with me and also clicked obscene photographs of mine. He threatened me that if I told about this to anyone then he will get viral my obscene photographs. In fear I did not tell this incident to anyone. After delay of considerable time, when Jugraj Singh did not return my documents then I told everything about above mentioned to my mother Maninder Kaur, therefore, I along with my mother came to you at Police Station for giving information. Jugraj Singh above by threatening me committed rape with me. I complain against him. Legal action be taken.”

3. Learned counsel for the petitioner *inter alia* submits that the present FIR dated 21.03.2023 (Anneuxre P-1) is a counter-blast to the complaint filed by the petitioner against the complainant who is the wife of the petitioner and her mother/mother-in-law of the petitioner on 04.03.2023

in respect of which a civil suit is also pending between the petitioner and the present complainant/wife of the petitioner and the petitioner's mother-in-law. Learned counsel states that the present FIR dated 21.03.2023 has been filed in respect of incident alleged to have been taken place on 31.01.2023. Therefore, on the face of it, there is a delay of 02 months in filing the present FIR.

4. Learned State counsel has filed custody certificate dated 31.08.2023 in Court today, which is taken on record.

5. Short reply dated 01.09.2023 by way of affidavit of Khushbir Kaur, PPS, Assistant Commissioner of Police, South, Amritsar has also been filed on behalf of the respondent-State. The same is taken on record. Copy thereof has been supplied to the counsel opposite. He submits that challan stands presented in the present matter on 06.05.2023. However, charges are yet to be framed and next date of hearing before the trial Court is 08.09.2023. He further submits that as per the custody certificate no other case is pending against the petitioner.

6. I have heard learned counsel for the parties.

7. Without commenting on the merits of the matter, in view of the fact that charges are yet to be framed, and including the fact that custody certificate reveals that no other case is pending against the petitioner, and the petitioner is in custody since 06.04.2023 and has undergone 04 months 23 days in custody, present petition is **allowed**; and petitioner-Jugraj Singh S/o Nirmal Singh is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.
9. Pending application(s) if any also stand(s) disposed of.

September 01, 2023
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(NIDHI GUPTA)
JUDGE

<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>