

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

267

CRM-M-43086-2023

Date of Decision: 17.11.2023

SWARUP SINGH @ ROOP

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Deepika, Advocate
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in FIR No.220 dated 11.11.2022 registered under Sections 376, 420, 506 of IPC at Police Station City Phagwara, District Kapurthala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 11.04.2022, a written complaint was submitted by the present petitioner Swarup Singh before the police alleging therein that his wife had died on 29-08.2022 and he had been living alone. He came into contact with "S" (name withheld) in 2022 who was facing divorce proceedings. They had become intimate and on asking of "S" to stay in live-in-relationship with her and on her proposing that they would get married after her divorce, the petitioner had agreed to do so. "S" was having two children. Due to behaviour of her son, who was living with his father, "S" was depressed. In the month of August 2022, the petitioner felt that the condition of "S" was gradually deteriorating and she had been losing memory, due to depression. She was taken to hospital for treatment but even failed to recognize him at times. On asking of the son of "S", on 17.08.2022 he had left "S" at Jalandhar at her

parental house as her son had assured that he would take her to hospital. On 20.08.2022, the petitioner came to know that “S” had left her parental house without giving any information. Thereafter, he was not allowed to meet her. He raised apprehension that if “S” was not treated properly, her condition might deteriorate further and someone else might cheat her. On his complaint, an enquiry was conducted and it was revealed that “S” was married with one “A” (name withheld) who was confined in Jail in connection with some matter. The victim “S” came into contact with the petitioner in the meanwhile, who on the pretext of helping her to get her husband released from custody, developed physical relations by stupefying her with some drinks and thereafter started blackmailing her. He had not even been allowing the victim to meet her husband. He had grabbed huge amount of money and gold ornaments from the victim who had subsequently undergone depression and had managed to escape from the trap of the petitioner. On the basis of this report, a case under Section 376,420 and 506 of IPC was registered. Investigation proceedings were initiated. The Petitioner was arrested on 11.11.2022. The statement of the victim under Section 164 of Cr.P.C. was recorded. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented against the petitioner and presently he is facing trial before the learned trial Court.

3. The present petition has been filed by the petitioner on the ground that he was falsely implicated in this case. In fact, the victim had started living in a live-in-relationship with him w.e.f January 2022 as per her own willingness. Subsequently, the maternal aunt of the victim had started instigating her husband and children against her and had played mischief against her. Even the minor daughter of the victim was under the influence of maternal aunt of the victim and had started defying her. The victim had resultantly fallen prey to severe depression and memory loss and was even

admitted to hospital. The petitioner was falsely implicated in this case. He was in custody since 11.11.2022. The statement of the victim had been recorded. The subject offences had not been made out against him. The trial was likely to take time. Hence he argued that the petition deserves to be allowed.

4. The respondent-State resisted the claim of the petitioner in terms of the status report filed on 15.11.2023. Learned State counsel has argued that there are serious allegations against the petitioner. He had taken the victim into his influence and had developed physical relations with her. He had blackmailed her and grabbed money and jewellery from her. The allegations against the petitioner were serious in nature. Therefore, it was argued by him that the petition did not deserves to be allowed.

5. The petitioner-accused is alleged to have developed physical intimacy with the victim on the pretext of extending help to her for release of her husband in jail and is alleged to have committed rape upon her, blackmailed her and is further alleged to have blackmailed and criminally intimidated her. There are specific and serious allegations against the petitioner. The trial has commenced and there is nothing to point out that there would be any undue delay in the conclusion of the same. Keeping in view the nature of subject offences, the quantum of sentence which the conviction may entail and the entire attendant facts and circumstances, I am of the considered opinion that the petition does not deserves to be allowed.

Hence, the same is dismissed.

November 17, 2023
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No