

302

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

CRM-M-48762-2022

Date of Decision:- 19.04.2023

Kuldeep Kumar (mentioned in FIR as Kuldeep Singh) and Anr

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ramneek Vasudeva, Advocate
for the petitioners.

Mr. M.S. Joshi, Addl. A.G. Punjab.

Mr. Jaskamal Singh Grewal, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioners – Kuldeep Kumar (mentioned in FIR as Kuldeep Singh) and Aparjeet Singh have filed the instant petition under Section 438 Cr.P.C. for grant of pre-arrest bail in FIR No. 217 dated 04.09.2022, under Sections 376-D, 328, 354-C, 384 and 506 of IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

The facts of the case that the prosecutrix filed written complaint to SSP Fatehgarh Sahib alleging that she is resident of Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib. On 06.08.2022, she came to Diya International School, Mandi Gobindgarh on Teej function and performed dance in the school. After the function, at about 07:30 P.M. she was to return home. She came out of the school where Aparjeet Singh and Kuldeep Singh met her who were in Swift car bearing registration No. PB-

23-0867. She knew Aparjeet Singh. He appreciated her dance and told her that he would leave her to her house. She trusted him. Kuldeep Singh was on driver seat, whereas, Aparjeet Singh was sitting on the adjoining seat. She sat on the backside of the car. They offered her cold drink which was already lying in the car. After consuming the cold drink, she became unconscious in the car. When she re-gained her senses, she found herself naked. Aparjeet Singh had prepared her video in his phone. She was told to come over as and when called by them, otherwise, they would viral her obscene video. Later on, they again raped her. Kuldeep Singh showed his identity card that he was a police official. He also threatened to involve her in a false case. On the next day, at about 06:00 A.M., she was dropped in the street by them. She was working as an employee in Brand Mark Showroom in Celebration Mall. On the same day, in the evening they under the influence of liquor again started calling her. They forcibly without her consent made her consume liquor and raped her. She was living alone. The aforesaid accused persons started coming to her house everyday. They used to consume liquor and rape her turn by turn without her consent. There was another person accompanying them who also raped her. They introduced one Yuvraj Singh and another person who was a police employee posted at Police Station Mandi Gobindgarh and the accused told her to develop physical relations with them also. They took her to Chandigarh in a flat. Yuvraj Singh claimed that it was his flat. She was again raped in drunkard condition. Yuvraj Singh forgot his phone with her. She stated that she can identify the aforesaid persons. With these allegations, present FIR has been registered.

Learned counsel for the petitioners argued that they are falsely involved in this case. They have joined the investigation and handed over

their mobile phones to the police. They do not have any criminal record. In fact, the complainant is a married lady, having two children. Her husband is namely Jasvir Singh, who has also given affidavit that she is not having a good character. The matter was inquired by DSP, Fatehgarh Sahib and it was found that there were several discrepancies in the statement of said victim. No recovery is to be effected from them. They will abide by the terms of bail order. It is prayed that their bail application may be allowed.

Learned counsel representing the State has filed detailed status report. The bail application is also opposed by learned counsel for the complainant. It is pointed out that in compliance of the order dated 28.10.2022, both the petitioners had given their mobile phones without sim and the same are deposited at Digital Lab, Ropar and the report is awaited. Learned counsel for the complainant pointed out that the prosecutrix was continuously blackmailed and she was repeatedly raped. She was not having cordial relations with her husband, therefore, the petitioners have managed to procure a false affidavit. In the case in hand, three of the accused are police officials, one of them namely Yuvraj Singh is posted at Police Station Mandi Gobindgarh. They are taking undue advantage of their post. It is pointed out that considering the gravity of offence, they are not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. The present petitioners are specifically named by the prosecutrix. There are serious allegations of rape against them and apart from this, they also forced the prosecutrix to maintain physical relations with others by threatening that her obscene video will be put on social network. She was repeatedly sexually exploited by the present petitioners.

The status report indicates that the investigation is still going on.

Considering the specific allegations and its gravity, I do not find a fit case for grant of anticipatory bail to the petitioners – Kuldeep Kumar (mentioned in FIR as Kuldeep Singh) and Aparjeet Singh and the same is accordingly, declined.

19.04.2023
lalit

(AMARJOT BHATTI)
JUDGE

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