

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-13491-2024
Date of decision: 20.03.2024

Arjun Singh alias Arjan Singh alias Babba
.....Petitioner
V/s
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Adarshdeep Singh, Advocate and
Mr. Mandeep Singh, Advocate,
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0067 dated 30.03.2022 registered for the offences punishable under Sections 376, 323, 120-B and 379 of IPC, 1860 and Sections 3, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.
2. The case set up in the FIR in question is as follows:-

“Statement of Ranjit Kaur wife of Amandeep Singh, aged 27 years resident of Bansi Gate, Bagh Wali Basti, District Firozpur. Mobile No.8198001707. Stated that I am resident of the above noted address and working as orchestra dancer. On dated 25.3.2022 my husband received a call on my mobile number 9780037086 from one unknown lady who disclosed her name as Mamta Rani wife of Babba resident of Shri Muktsar

Sahib. She told my husband Amandeep Singh that she is also doing the orchestra works and I have taken your number from someone and asked that would you like to work with me. After some time my husband gave his consent to work with her and on 25.3.2022 at about 11:00 PM we reached Shri Muktsar Sahib and called Mamta Rani and asked about her residence and she called us to her residence at Safedea Wali Gali Basti Near Charandass Dera Shri Muktsar Sahib. Me and my husband reached her house. Then Mamta Rani said that you stay with my sister who lives near Safeda basti Rana Singh de Nohre. When any dated 28.3.2022 Mamta Rani called some unknown boy to her house at about 10:30 AM. Who came on white colored activa. Mamta Rani told me that she has taken Rs.800/- from him for half an hour and you have to make relations with him. I don't have any orchestra work. During this Mamta Rani sent my husband to receive Rs.400/- from someone out of her house. When I disagreed to develop relations with Mamta Rani pushed me to one room and that boy then locked it from out side. Then that unknown boy raped me. My husband came after about 25 minutes. When I was telling my husband about the said occurrence then Mamta Rani's husband Babba came and started beating my husband and thrown us out of the house. They snatched my touch screen mobile phone made oppo having active sim number 9780037086 and Rs.1600/- from my husband's pocket. Then we came to Darbar Sahib and stayed there at Bhai Maha Singh Hall for one night. Then on dated 29.3.2022 my husband took me to civil hospital Shri Muktsar Sahib. where doctors treated me and taken the samples. On dated 30.3.2022 at about 10:00 my husband received a call from Manga to whom my husband is already known. He called my husband to Gonyana road for meeting. Me and my husband went to meet manga without informing in the hospital. Mamta and Preet abused me and my husband and then Babba and Sandeep Singh husband of preet beaten my husband and threatened us to not file any FIR. Manga didn't came to Gonyana road. We ran away from there on auto to reach court of Shri Muktsar Sahib and met the Hon'ble Judge

and narrated the whole story. Then you met us in the court premises. You have recorded my statement, which is correct LTI Ranjit Kaur, Sd/- Amandeep Singh son of Baldev Singh resident of Bansi gate wali Basti Ferozepur. S d/- Pushpa PS city SMS Dated 30.3.2022.”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 07.04.2022 and is in continuous custody since then. Learned counsel for the petitioner has further argued that the investigation in the case already stands completed. Learned counsel has referred, *in extenso*, to the statement under Section 164 of Cr.P.C. made by the victim Ranjeet Kaur wherein it is stated that *“I have done it out of anger. When the accused persons felt sorry before me then I also realized my own mistake and there is not of any kind of pressure or compulsions on us. We both, me and my husband, are doing the compromise with our own free will.”* Learned counsel has further argued that the prime allegations made against the petitioner are that he along with Sandeep Singh had beaten the husband of the victim. Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 07.04.2022 whereinafter investigation was carried out & challan was presented on 09.07.2022.

Total 21 prosecution witnesses have been cited and hence culmination of

the trial will take its own time. The rival contention of the learned counsel for the parties regarding the weightage required to be attached to the statement made by the victim under Section 164 of Cr.P.C. will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the case of the either parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 18.03.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 year and 11 months & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 20, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No