



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

208

CRM-M-17522-2024  
Date of decision: 09.05.2024

Iqbal Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sumeet Sagar Maini, Advocate,  
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

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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.52 dated 08.07.2022 registered for the offences punishable under Sections 376 and 506 of IPC at Police Station Lakhewali, District Sri Muktsar Sahib.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“Statement of Sukhjot Kaur wife of Tej Singh resident of Village Khunde Halal, District Shri Mukatsar Sahib, Mobile Phone Number 98721- 98875. It is stated that I am resident of the above said address and I am running the retail shop (Karyana shop) just in the village. My husband is employed at the country wine shop (Theka) in village Khunan Kalan. I have two children with me, Iqbal Singh son of Sukhdev Singh resident just of our own village Khunde Halal, the house of which is situated just near our*



*own house, approximately from the period of 3-4 days, calling the calls from his own phone number 98721-98875, making the phone calls at my phone Number 81460-046187, again and again, he is threatening to murder me and he is asking for establishing the illicit bodily relations with me. On 21.06.2022 in the morning approximately at time at 04.00 a.m., my husband had gone in the fields for some work and I was all alone at home and then looking the opportunity, the above said person came to my house and he committed the rape forcibly with me and threatened me that if you told to any other person in this regard or to the police, and then you shall have to face its bad consequences. Often the above said person pressurizes upon me to settle the bodily illicit relations with him. Yesterday on 06.07.2022, when I was alone at my own shop and then the above said person stopping me on the way, he frightened and threatened me asked me to make the illicit relations with him and then I went on the shop and then reaching at home, I told the entire matter to my husband and being afraid I did not told this matter to anyone else, today, I along with my husband, I came in the Police station for taking legal action against that person Iqbal Singh. Kindly take legal appropriate action against Iqbal Singh and justice may be delivered to me. I shall be highly thankful to you please. The statement is recorded to you and admitted correct. Sd/ Sukhjit Kaur above said Sd/- Tej Singh S / o Buta Singh (Husband). Attested SD/- Rajveer Kaur ASI Police Station Lakhwali, Date: 08.07.2022.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.03.2023. Learned counsel for the petitioner has further referred, *in extenso*, to a representation dated 27.07.2022 made by the victim in which it was averred that the FIR in question has been got registered falsely by the victim on account of pressure by her husband. Learned counsel for the petitioner has further



submitted that there is no medical evidence available on record to substantiate the cause of the prosecution. Learned counsel for the petitioner has further referred to a communication dated 04.03.2023 sent by Senior Superintendent of Police, Sri Muktsar Sahib, Punjab to Additional Director General of Police (Public Grievances Cell), Punjab, wherein a cancellation report had even been prepared on the basis of said representation. In order to buttress his argument, learned counsel for the petitioner has referred to the status report dated 09.05.2024 filed by the learned State counsel in Court today, relevant whereof reads as under:-

*“(iv) During the investigation, the complainant-victim submitted an application to the S.S.P., Sri Muktsar Sahib, in which she stated that the accused did not rape with her and she wants to get cancelled the FIR in question. She filed complaint under the influence of her brother-in-law Nanak Singh as he used to beat her. Her brother-in-law Nanak Singh forced her to file complaint against Iqbal Singh. The said application was marked to the Incharge, P.S. Women Cell, Sri Muktsar Sahib for enquiry. The complainant also produced a duly sworn affidavit to this effect before the police. The cancellation report in the FIR in question was prepared by the police on 08.11.2022. However, the S.S.P., Sri Muktsar Sahib did not approve the said cancellation report. So, the police prepared the challan in the FIR in question on 28.03.2023 and filed the same in the learned court.”*

Thus, regular bail is prayed for.

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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 26.03.2023 whereinafter investigation was carried out & challan was presented on 01.06.2023. Total 18 prosecution witnesses have been cited out of which the victim, Investigating Officer as also the husband of the victim stand recorded. The rival contention of the learned counsel for the parties; regarding the weightage required to be attached to the representation dated 27.07.2022 made by the victim; report dated 04.03.2023 sent by the Senior Superintendent of Police to Additional Director General of Police, Punjab, (copy whereof has been appended as Annexure P-3) as also as to whether there is any medical evidence or not to substantiate the cause of the prosecution; shall be gone into during the course of trial. It deserves to be mentioned herein that the earlier bail petition filed by the petitioner was dismissed as withdrawn on 29.01.2024 since the testimony of the victim had not yet been recorded by then. As on today, the testimony of the victim stands recorded as PW-1 on 04.03.2024. This factum, in the considered opinion of this Court, is sufficient enough to entertain the instant second bail petition. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice



the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 07.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 year & 01 month. Though the petitioner is shown to be involved in another FIR bearing No.199 dated 01.01.2022, registered under Sections 379-B, 451, 323, 160, 148, 149 of IPC at Police Station Malout Sadar, District Sri Muktsar Sahib, (in which the petitioner is on bail), the same cannot by itself be taken as a ground to decline the bail in the present FIR to the petitioner. 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

May 09, 2024  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |