



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

137+221

CRM-M-17891-2024 (O&M)

Date of Decision: 30.05.2024

Parveen Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Malkit Kaur, Advocate
for the petitioner.

Mr. S.S.Chahal, A.A.G., Punjab.

Mr. Nand Lal Sammi, Advocate
for the applicant/complainant.

NIDHI GUPTA, J. (ORAL)

CRM-24357-2024

Prayer in this application filed under Section 482 Cr.P.C. is
for impleading the victim/complainant herein as respondent No. 2.

Notice of the application.

On the asking of Court, Ms. Malkit Kaur, Advocate accepts
notice on behalf of the petitioner, whereas Mr. S.S. Chahal, A.A.G.,
Punjab, accepts notice on behalf of respondent No. 1-State.

Heard.

For the reasons stated in the application, which is supported
by an affidavit, the same is allowed and the victim/complainant is hereby
impleaded as respondent No. 2. Amended memo of parties filed along



with the application is taken on record. Office to tag the same at the appropriate place.

CRM-M-17891-2024 (O&M)

Prayer in the instant petition filed under Section 438 Cr.P.C. is for seeking concession of anticipatory bail to the petitioner in FIR No. 50 dated 24.02.2024 registered under Sections 376 and 323 IPC at Police Station Zirakpur, District SAS Nagar, Mohali (Annexure P-1).

On 01.05.2024, when this case was listed for hearing, following order was passed by this Court:-

“CRM-16817-2024

Prayer in this application is for placing on record correct translated copy of FIR as Annexure P-1 as well as synopsis.

The application is allowed subject to all just exceptions and the correct translated copy of FIR is taken on record as Annexure P-1 as well as synopsis.

CRM-M-17891-2024

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.50 dated 24.02.2024 (Annexure P-1) under Sections 376 and 323 IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali.

Learned counsel for the petitioner inter alia submits that the allegations made against the petitioner in the FIR are utterly false and fabricated. It is stated that the complainant in the present case is 38 years old divorced lady, having 12 years old girl child. It is stated that the complainant approached the petitioner for a job, and the petitioner



sympathized with the complainant and gave her the job. However, due to differences between the petitioner and the complainant, the complainant was removed from the job on 13.01.2024. It is alleged by the petitioner that on 16.01.2024 he was attacked by four unknown persons, in respect of which, pictures of the injuries suffered by him are appended with the petition as (Annexure P-2) and even a complaint in that regard was lodged by the petitioner. Learned counsel further submits that because the complainant was removed from the job by the petitioner from his hotel, she lodged the present FIR against him on 24.02.2024. It is further submitted that as regards the allegations made in the FIR that the complainant was forced by the petitioner to do the immoral acts, there is no medical record as such in respect of the said contention. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and Mr. Nand Lal Sammi, Advocate alongwith Mr. Hitesh Kumar Sammi, Advocate has put in appearance and filed Power of Attorney on behalf of complainant. The same is taken on record.

Learned counsel for the complainant vehemently opposes the prayer for grant of interim relief to the petitioner and submits that while dismissing the petitioner's application for anticipatory bail, it has been observed by the learned trial Court



in its order dated 01.04.2024 (in para 8, page 59 of the paper-book) that the complainant in her statement under Section 164 Cr.P.C. has supported the prosecution case and stated that “the accused has committed wrong act with her”.

Learned counsel for the State also opposes the prayer made by the petitioner for grant of interim bail and submits that very serious allegations have been levelled against the petitioner in the FIR that the petitioner used to force the complainant to have sex with 7-8 men everyday, which amounts to immoral trafficking and also used to take the money for the said act.

Learned counsel for the State is directed to file the status report in the matter alongwith medical record of the complainant.

Adjourned to 30.05.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;*
- ii that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade*



him/her from disclosing such facts to the Court or to any police officer;

iii that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 01.05.2024 passed by this Court, the petitioner has joined the investigation.

Status report by way of affidavit of the Deputy Superintendent of Police, Sub Division Zirakpur, District SAS Nagar (Mohali) on behalf of the respondent-State dated 30.05.2024 filed in Court today is taken on record.

On instructions from SI Jaswant Singh, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and is co-operating with the investigating agency, and no further interrogation is required, at this stage. It is further informed that the MLR of the complainant is still awaited; and as stated in para No. 8 of the status report, *“However, the DNA samples of the petitioner were sent to the office of CFSL, Sector-36, Chandigarh for its analysis and the report of the same is yet awaited”*.

In view of the above submissions made by learned counsel for the State, the order dated 01.05.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, he will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application, if any, stands disposed of.

30.05.2024 Divyanshi	(NIDHI GUPTA) JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No