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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19964-2023 (O&M)
Date of Decision: 29.05.2024

LOVEJEET SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Dassaur, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab.

Mr. Mukesh Kumar Bhatnagar, Advocate
for the complainant.

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SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0204 dated 28.11.2022, registered under Sections 342, 376 and 506 IPC (Section 201 IPC added later on) at Police Station Division No.7, Jalandhar, District, Jalandhar.
2. Short reply, by way of affidavit of Harjinder Singh, PPS, Assistant Commissioner of Police, Model Town, Jalandhar has been filed by learned State counsel in the Court today and the same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner as also learned counsel for the complainant.
3. On 27.04.2023, the following order was passed:-

“This is a petition under Section 438 Cr.P.C. seeking grant of pre-arrest bail to the petitioner in case FIR No.0204 dated 28.11.2022, registered under Sections 342, 376 and 506 IPC at Police Station Division No.7, District Police Commissionerate, Jalandhar.



2. Briefly, the allegations are, the complainant/victim, aged about 19 years, came in contact with the petitioner on 09.06.2022 through her friends. On 07.10.2022, the petitioner called her to Jalandhar on the pretext of an interview for government job. She was taken to a hotel room, where nobody was present. The petitioner forcibly locked the room from inside, committed indecent acts with her against her wishes, and said in case she did not make physical relations with him, she would be killed. She got frightened and could not figure out what to do. The petitioner then made physical relations with her without her consent, and also recorded obscene videos.

3. Learned counsel for the petitioner contends that this is a case of false implication. The complainant and the petitioner were in touch with each other for a few months prior to the alleged occurrence, and there were WhatsApp chats and messages regularly exchanged between the two. Some of the pictures sent by her have been placed on record as Annexure P-10. She willingly accompanied the petitioner to hotel room. The first complaint by the victim was given to the police on 12.10.2022 levelling similar allegations, which was compromised, and it was also agreed that the two shall not maintain any contact with each other thereafter. The compromise has been placed on record as Annexure P-8. The General Diary Details, mentioning the complaint as well as her statement that she did not want any legal action in the matter, is on record as Annexure P-9. It is only subsequently that the present FIR has been lodged on 28.11.2022 only to implicate the petitioner, and the allegations cannot be believed on account of changing stands of the complainant herself.

4. Notice of motion.

5. Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State, and upon instructions from ASI Bua Dass, does not dispute the facts with regard to the earlier complaint lodged on 12.10.2022, the compromise and the General Diary Details dated 12.10.2022, which are on police file.

6. Adjourned to 06.09.2023.

7. In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

4. Learned State counsel, on instructions from ASI Jagtar Singh, has stated that pursuant to the order dated 27.04.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.



Section 173 Cr.P.C.) qua the FIR in question has already been prepared and filed before the concerned Court. Learned State counsel has further submitted that challan (report under Section 173 Cr.P.C.) has also been prepared and filed qua FIR No.74 dated 05.09.2023 registered under Sections 323, 341, 506 and 34 IPC at Police Station Lambra, District Jalandhar (Rural), Punjab.

5. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.

6. In view of the totality of facts and circumstances especially that the police does not require the custodial interrogation of the petitioner and challan in the abovesaid both FIRs has been prepared and filed; the petition is allowed and interim order dated 27.04.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not

10. Pending application(s), if any, shall also stand disposed off.

29.05.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No