



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

203

CRM-M-25496-2024
Date of decision: 24.05.2024

Lakhwinder Jeet Singh @ Lucky

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amardeep Singh Gill, Advocate with
Ms. Anu Malika, 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.35 dated 06.03.2024 registered for the offences punishable under Sections 376 & 506 of IPC (Section 420 of IPC added later on) at Police Station Division No.1, District Police Commissionerate Jalandhar.
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 Shelly Dhanda daughter of Sh. Rajesh Kumar Dhanda, resident of House No.B-1/248, Ravi Dass Nagar, Maqsudan, Jalandhar, aged about 22 years, Mobile No. 88476 52350. Stated that I am residing at above noted address and presently staying



idle at home. My parents are living in Italy. My sister Sunaina Dhanda is living in Canada, where she has gone on study basis & I am living with my parental grandparents at House No.B-1/248, Ravi Dass Nagar, Jalandhar. About three years back, I had gone to J.J. Salon, Jinda Road, Jalandhar, where I came in contact with one Lakhwinder Jit Singh son of Varinder Jit Singh, resident of Village Shiv Das pur, P.O. Mustafapur, Police Station Kartarpur, District Jalandhar. Lakhwinder Jit Singh induced me in his love and usurped a sum of about Rs. 9 lac from me. I remained in relation with him for a period of about three years. He made sexual relation with me by alluring me on the pretext of performing marriage. He is having many photographs of mine. I remained in private job for some time and he was taking away half of my salary. Whenever I ask Lakhwinder Jit Singh to do some job, he starts abusing me and threatening me by saying that he will make my photographs viral. This way, he has caused me mental torture. Lakhwinder Jit Singh has exploited me sexually on the pretext of marriage with me. Now, he is threatening me that in case I didn't live with him than he will throw acid on me and kill me. Due to this I am upset. Kindly take due legal action against him. I am presently residing with my maternal grandparents at Sunder Nagar, Pathankot Bye-pass, where the accused also comes and threatens me. His paternal aunt (bhua) Nirmal Jit Kaur wife of Surinder Kumar, resident of Maqsudan, is fully aware about the entire episode. He has spoilt my life. Hence due legal action be taken against said accused. I have



got recorded my statement in presence of my maternal grandmother Smt.Kamaljit. Statement got recorded, heard, it is correct. Sd/- in English-Shelly Dhanda. Statement corroborated Sd/- in English-Kamaljit (Maternal grandmother of complainant). Attested Sd/- Insp. Manjit Kaur 150/LDH-R, Police Station Division No. 1, Commissionerate, Jalandhar. Date: 6.3.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 06.03.2024. Learned counsel for the petitioner has further referred, *in extenso*, to the whatsapp chat (copy whereof has been appended as Annexure P-2 with the present petition) to argue that there was consensual relationship between the petitioner and the victim which turned sour later on due to supervening circumstances & it is on this count that the petitioner has been falsely implicated into the FIR in question. 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 06.03.2024 whereinafter investigation was carried out & challan was presented on 03.05.2024. Total 16 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether it was consensual relationship between the petitioner

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& the victim which turned sour later on due to supervening circumstances & the weightage/veracity required to be attached to the whatsapp chat (copy whereof has been appended as Annexure P-2 with the present petition); shall 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 trial. 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 23.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 02 months and 15 days & 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/Illaqa 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 24, 2024

poonam

Whether speaking/reasoned: Yes

Whether reportable: Yes