



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-26582 of 2024
DATE OF DECISION :- 02.07.2024

Rahul

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

Mr. Sandeep Arora, Advocate has filed memo of appearance for complainant.

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.109 dated 24.08.2023, registered for the offences punishable under Sections 376,120-B and 506 of IPC at Police Station Satnampura, District Kapurthala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*“To, SHO, Satnampura, Phagwara. District, Kapurthala,
Subject :- Complaint against Love (Mobile No. 95011067333,
+1 (639) 800-06922) Rahul (Mobile No. 7888601507), 3)
Pritpal Singh (Mobile No. 9041002500), 4) Gurdyal Singh @
Gurdyal Singh Babu (+971588602158) in lieu of giving work
and in order to commit fraud, misbehaving and giving death
threats and further Love by doing wrong acts (rape) and
without my consent taking and clicking my video and photo.
Respected Sir, I Ashley D/o Dawinder Kumar R/o House No.*



80, Maharaja Garden, Jalandhar and I am resident of the abovementioned address and from last 3-4 years, I am doing the work, of theatre artist. A few months ago, Pritpal Singh had a word with me that he wants to shoot a song and he had further stated that he will do some short movies shoot with me and this thing was being talked by Pritpal Singh who is also an artist of theatre and he had further asked me that Gurdial Singh Babu who is a director is in search of an artist and further in this regard he had given my reference to him. Then Gurdial Sigh Babu had a whatsapp call on mobile with me and he told me that he wants to shoot and the said will be done in Jalandhar side and after this he gave me a phone number of Rahul who is a director cum camera man and when I had a word with him then he had done a watsapp call with me and asked me that in industry in which Punjabi movies you have worked. I disclosed to him everything. Rahul messaged me on the intervening night of 15/16.08.2023 at night around 12:02 AM and told me that you should have a word with a director whose phone number is 95011067333. The said number was of one person namely Love. The said number of mine was being given to the said person without asking me and even the said person also portrayed himself as a director and had a talk with me on whatsapp. He told me that Madam we had to do shooting and your number is being given to me by Rahul and he further told me that are you a model. Rahul whose number is 7888601507 and when I asked him that you should send me the song, then he told me that I should send my photo and then he told me that the next day they will have a face to face shoot and I will check your profile link. I asked him to send the location and I further asked him that whether your studio is in Jalandhar then he reverted that we will meet in Model Town. He further told me that we will have a talk regarding work, but I was never aware of the fact that he was making a plan and in order to commit fraud, he has called me. When I asked him that sir, at which site



I have to reach, then he told me that I will pick you up and he further told me that I am also calling Rahul and then Love on dated 16.08.2023 around 12:45 PM met me near Football Chowk, near Arman Hospital and he came in white colour car and after making me sit in the same, took me with him. When I asked him, why Rahul sir has not come, then he told me that we will pick him up in between, then he asked me whether I will drink something and I refused the same. Even then he handed over me a bottle of coke which was already kept in the car with a broken seal. When I drank the bottle then my head got heavy and I went unconscious. He told me that we will go and eat something till the time Rahul does not come. I have called Rahul in Haveli. In Haveli he brought me dosa and when I ate 2-3 pieces of the same and even till then Rahul did not come. I thought that my health is not well and I requested him that from where he have picked me, he should drop me over there. Then he made me sit in the car and asked me to drink water. When I drank water, I got anxious and further I asked him that where is Rahul and why is he not coming. I requested him to drop me to my house as I am not able to remain in my senses, as my head is revolving and I told him that he should take me to a doctor. He told me that he will take me to a doctor. When I heard a noise in my ear that he is talking with someone and telling that he had made something mix in my cold drink and water and I had become semi unconscious and further he was telling someone that he is bringing me to him. Then I tried myself to call someone for help and due to the said reason, I was not able to speak as my body was not supporting me. I was not able to walk and then he took me inside the room and over there I did vomiting and then he made me sit on the bed. Then he became perplexed because he knew that he had mix some intoxicant substance in my cold drink and water and made me drink the same. Due to the said reason, my health was getting deteriorated. I was able to hear little little things. Then he



removed my clothes and then he told me that you will not feel anxious. I refused him to do such acts, but he tried forcibly and committed wrong things (rape). My body was not responding to the said things. When I gained my senses, then he told me that you should not raise hue and cry, otherwise I will call more people and I will spoil your career. If I disclosed regarding this wrongful act to anyone then I will kill you. You wear your clothes quickly and then I will drop you and then he kept on continuous threatening me that he will kill me if I will disclose any thing regarding this incident and even I will make viral your photos and videos. When he took me from the room, then I opened my eyes and saw that this is a building which is near the street of LPU (Lovely Professional University) and then he further threatened me that in a way, which I have brought you, in the same way you go with me otherwise I will make your photos viral. The said thing was being disclosed to me by Pritpal and Rahul, but they also did not pay any heed nor help me rather they also told me that we will also make your photos and videos viral and they also threatened me that they will kill me. The said thing about wrong acts was not being disclosed to my parents because I was afraid of the same. Yesterday dated 20.08.2023, I was sitting with my sir Rajwinder Singh and I disclosed everything about the said act that on 20.08.2023, I had a talk on whatsapp with Rahul, Gurdyal Singh Babu and Love and then Rajwinder Singh sir had done the recording on his video camera of Love and then he sent the same on my whatsapp mobile and even the other persons recording was also done and it was also been sent on my whatsapp. Then love called me. In these circumstances, I request you that against the abovesaid accused persons namely Love, Rahul, Pritpal Singh, Gurdyal Singh Babu and others strict legal action be taken as they have committed wrong acts (rape) with the applicant and legal action be taken. The abovesaid accused in connivance with each other have committed the said act. Against the said



accused persons FIR may be registered of rape and investigation may be done and legal action may be taken. The abovesaid accused who were threatening me that they will make my photos and video viral and even issuing life threats to me and against them legal action be taken.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.11.2023. Learned counsel for the petitioner has further argued that, in fact, the main accused in the FIR is one Love who has absconded. Learned counsel for the petitioner has further argued that as per the allegations made in the FIR the petitioner has only introduced the victim to the main accused namely Love and no other overt act is attributed to him. Learned counsel for the petitioner has further argued that the petitioner had himself surrender before the Illaqa Magistrate which reflects bonafide on his part as he never had the intend to flee from the process of justice/law. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Status report by way of affidavit of Sh. Daljit Singh, PPS, Deputy Superintendent of Police, Sub Division Phagwara, Kapurthala filed in the Court today. The same be taken on record. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 01.07.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 28.11.2023 whereinafter investigation was carried out and challan stands presented on 28.02.2024.

Total 17 prosecution witnesses have been cited and culmination of the trial



will take its own time. The rival contentions of learned counsel for the parties; whether the petitioner has been falsely implicated into the FIR in question and what is the specific/ active role attributed to the petitioner; 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 custody certificate dated 01.07.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 7 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 case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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

02.07.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No