



CRM-M-31576 of 2024 1

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

223 **CRM-M-31576 of 2024**
DATE OF DECISION :- 10.07.2024

Didar Singh @ Dar Singh **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Chander Kant Rana, 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.21 dated 06.04.2024, registered for the offences punishable under Section 376 of IPC at Police Station Nurpur Bedi, District Rupnagar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Copy of Complaint, Complaint No. 512-SSP, Dated 21.02.2024/Office of Senior Superintendent of Police Rupnagar",by reference letter no. OSC/RPR/2024/601-03 VG 14.02.2024) (letter no. OSC/RPR/2024/600 VG 14.02.2024) at Sakhi One Stop Center Rupnagar regarding Radha Rani now resident of village Jatwahar (phone no. 869974506) against Dar Singh son of Haru resident of village Jatwahar (phone no. 7009007965) Tehsil Nurpurbedi, district Rupnagar for fals promise to marrying her. Regarding the above subject, It is brought to your notice that on 08/12/2023 an application was given by the above woman to the Honorable Deputy Commissioner Rupnagar which was sent to the Sakhi One Stop Center for action by the Deputy Superintendent of Police was sent

**CRM-M-31576 of 2024****2**

to them by contacting them which was resolved on Sakhi web portal (complaint no. 515). The above lady has again contacted Sakhi One Step and given the attached application. We request you to take appropriate action on the application given by the lady Radha Rani and send the report of the action taken to this office. The report can be given to the Honorable Deputy Commissioner Rupnagar. Attachment- 1. Application given by the woman 2 pages, 2. Copy of the application given by the woman to the Deputy Commissioner on 08/12/2023, 3. Report of the Deputy Commissioner of Police (Crime against Women and Children) Sd/ Center Administrator Sakhi ONE STOP CENTER RUPNAGAR PIN NO. OSC/RPR/2024/601-03 dated 14.02.2024 A copy of the above is forwarded to the following. 1. Deputy Commissioner Rupnagar for information. 2. Deputy Superintendent of Police (Crime Against Women and Children) for information and further action. 3. Information interest to District Program Officer Rupnagar. Sd/- Center Administrator Sakhi One Stop Center Rupnagar,"

That Radha Rani Wife of Ram Kumar Resident of Village Jatwahar Police Station Nurpur Bedi, District Rupnagar Sub: Dar Singh Son of Haru Resident of Village Jatwahar (Phone No. 7009007965) Police Station Nurpur Bedi, district Rupnagar for taking action regarding eviction from house, doing wrongfull act by making false promise to marry. I am Radha Rani, wife of Ram Singh resident of village. My husband Ram Kumar has died and I have three children (daughter Harneet Kaur age 10, another daughter Navneet Kaur age 9 and a son Manjit Singh age 6). My husband died in an accident when my son was six months old. I am alone She used to live on rent and worked in people's houses. Then I came in contact with Tsksali Mataji from Sri Anandpur Sahib and I made my daughters teach Kirtan. And she shifted to Anandpur Sahib so that my children could learn Kirtan and I started living at Sri Anandpur Sahib Tarsali where I used to work inside Taksali Anandpur Sahib Mittal Colony and my children also lived there. Where I also got five thousand rupees a month. I started serving at the Gurudwara at Sri Anandpur Sahib. I also



used to go to serve on the full moon. When I was serving in the big Gurudwara Anandpur Sahib, where a woman resident named Bachni R/o Lodhi Majra met me and she told me that there is a boy in Village Jatwahar, marry him with whom you and your children will get shelter. I refused at first. But then Bachani's son Mundri and his wife Aarti took me to Jatwahar to meet with Dar Son of Haru. On the first day of June month, Dar took me to marry me. Hoping that I and my children will get shelter and I will get married to Dar Singh, I went with Dar Singh. It was fine with me for 4 months. I kept asking her to marry me. Then she said that I will get married after when you give me my heir and only then I will make the Aadhaar card of your son Manjit in my name. Dar Singh took me in full confidence to get married that he did wrong with me. I still kept asking her to get married and then her mother who used to live with her other brother came to stay in the house and Dar started beating me and asking me to leave the house and said he have no relation with me. I kept requesting before Dar and once he said that he bought me from Bachani for sixty thousand and he beat me and even tied me up with chain. After this I went to office of DC in the month of December. I given a complaint, which went to the police officer at Sadar Thane, from whom Dar Singh was also arrested by the police and he pleaded with me that he would give me my rights and keep me at home as a good wife and started staying at her house with Dar. But it was fine only for 15-20 days and then he again started harassing and in the meantime I found out that I am pregnant and Dar Singh refused the responsibility of this child and started beating me and saying that I don't know whose child it is. I left home to save my life, so that it will be understood somewhere and I stayed in Gurdwara Sahib in the month of January and now I have taken a rented house in Jatwahar village so that whatever Dar Singh did wrong to me. I can punish him for spoiling my life so that Dar Singh cannot ruin another woman's life. Appropriate action should be taken and justice should be given to me. RTI/- Radha Rani (thumb affixed) (Radha Rani phone no. 869974506

**CRM-M-31576 of 2024** **4**

*resident of village Jatwahar police station Nurpurbedi (Rupnagar)
date- 13/2/2024.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 06.04.2024. Learned counsel for the petitioner has further argued that there was consensual relationship between the petitioner and the victim which fell apart due to supervening circumstances and hence the FIR in question has been got registered on account of misunderstanding. Learned counsel for the petitioner has further relied upon compromise dated 22.06.2024 (copy whereof has been appended as Annexure P-3) to submit that a settlement has now, in fact, been entered into between the petitioner and the victim. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Ms. Shruti Rathour, Advocate has filed vakalatnama for respondent No. 2-complainant. The same be taken on record. She has ratified the factum of compromise having been effected between the parties vide a compromised deed dated 22.06.2024 (Annexure P-3).

5. 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 09.07.2024 in Court, which is taken on record.

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

7. The petitioner was arrested on 06.04.2024 whereinafter investigation was carried out and challan stands presented on 14.05.2024. Total 15 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the petitioner and the victim

**CRM-M-31576 of 2024** 5

which fell apart later on due to supervening circumstances and the veracity/weightage required to be attached to the compromised deed dated 22.06.2024 (copy whereof has been appended as Annexure P-3 with the instant 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 custody certificate dated 09.07.2024 filed by learned State counsel, the petitioner has suffered incarceration for 3 months and 1 day. Though the petitioner is shown to be involved in one case under Section 107/151 Cr.P.C, keeping in view the facts and circumstances of the case, this Court does not deem it appropriate to decline the concession of regular bail to the petitioner on this score alone.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. 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.



CRM-M-31576 of 2024 **6**

- (vi) The petitioner shall give his cell-phone 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.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

10.07.2024
P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No