

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-32471 of 2023
Date of Decision:15.01.2024

Manjinder Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON’BLE MS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gagandeep Jammu, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab

SUDEEPTI SHARMA, J. (Oral)

1. This is second petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory/pre-arrest bail to the petitioner in FIR No.203 dated 21.07.2022, registered under Sections 376 and 506 IPC, at Police Station City Kharar, SAS Nagar (Mohali).
2. Status report by way of an affidavit of the Deputy Superintendent of Police, Kharar-1, District SAS Nagar has been filed in Court today, which is taken on record. The relevant portion of the same is reproduced as under:-

“1.that the prosecutrix had submitted application No.4753/S/SSP/SAS Nagar dated 04.01.2022 and application No.903/SPL-2/SSP dated 17.05.2022 in the office of Senior Superintendent of Polcie, SAS Nagar in which she broadly stated that Manjinder Singh (the present petitioner) came to life of prosecutrix in the year 2018 through one of her friend. At that time,

the prosecutrix was working in Reliance Fresh situated at Phase-5, Mohali. At that time, Manjinder Singh (the present petitioner) was unmarried. He took advantage of the matrimonial disputes of prosecutrix with her husband. Manjinder Singh (the present petitioner) allured her under a well-planned conspiracy in active connivance with Kamaljit Kaur and Lakhwinder Singh and developed a friendly relation with the prosecutrix. The accused Manjinder Singh applicant intentionally on the pretext to marry the prosecutrix, forced her to file divorce case against her husband. Thereafter, he under pretext of marriage with the prosecutrix in future, developed physical relations with the prosecutrix numerous time since 2018 up to last week of March 2022. The prosecutrix further stated that she did not give her free consent to the accused for sexual inter course. It was only under pretext of better future, the prosecutrix had committed sexual inter course without her free consent on various times at her place of residence at House No.1483, First Floor, Phase-5, SAS Nagar, Mohali. The complainant further stated that Manjinder Singh (the present petitioner) used to claim himself as a cricketer. The prosecutrix and Manjinder Singh started living together at the house of the prosecutrix from the year 2019 up to March 2022. The prosecutrix further stated that Manjinder Singh allured her on the pretext of bright future and took Rs.10 lakhs from her from time to time. The accused also took her ATM cards, withdrew her entire salary about Rs.35,000/- per months from the year 2019 till March 2022 on asking of his parents and gave it to them from time to time. In the month of March 2022, the prosecutrix came to know the nefarious intention of accused, the prosecutrix maintained distance from Manjinder Singh and started demanding her money which she gave to him at different times, initially, the accused tried to dilly dally the matter but with intervention of parents of Manjinder Singh, a mutual oral compromise was arrived and they assured to

solemnized her marriage with Manjinder Singh on 16.04.2022 but it was just an eye wash because the accused Manjinder Singh in active connivance with above said accused managed to escape abroad at England prior to the aforementioned date of marriage. The prosecutrix further stated that all the accused with malafide intention and in active connivance with each other have defrauded the prosecutrix, as the above said Manjinder Singh, managed to escape abroad i.e. England, prior to the date of marriage and he had committed offences under 376 and 120-B IPC. The accused Manjinder Singh spoiled her career on the instructions of his parents and made physical relations with the prosecutrix by alluring her on false pretext of marriage and thus committed repeated rape on her so many times and also spoiled the matrimonial life of prosecutrix by alluring her with false dreams and bright career in future on instigation of Kamaljit Kaur and Lakhwinder Singh. The prosecutrix further stated that when Manjinder Singh met with an accident, she had spent 15-16 lakhs on his treatment and provided prompt treatment to him in a reputed hospital at Mohali. She had borne the entire expenditure as she was under impression that Manjinder Singh would solemnize marriage with the prosecutrix in future. When the prosecutrix came to know about the bad intentions of all the aforementioned accused, she enquired about the place of residence, then the aforesaid accused gave threats to the life and liberty of prosecutrix and further started black mailing the prosecutrix that if she did not toe their line or mend her ways then Manjinder Singh would defame her publicly in society. The prosecutrix further stated that she kept on bearing all the misdeeds of the accused Manjinder Singh under impression that he would solemnize marriage with her in future. Therefore, she had kept low profile with accused since 2018 upto March, 2022. But in April, 2022 when the prosecutrix came to know that he has already went abroad and when she enquired about him and talked to his parents,

they gave threats to the prosecutrix of dire consequences and threatened to pour acid on her and to disfigure her face. The prosecutrix further stated that she is not feeling safe in the area because the parents of Manjinder Singh are strong headed persons and they may cause harm and injuries to the prosecutrix in future because they are continuously giving threats to her. Hence, the prosecutrix sought legal action against all the accused persons.

2. That after enquiry, the enquiry officer in his enquiry report found that Manjinder Singh prior to having acquaintance with the prosecutrix used to play Cricket. After, he developed friendship with the prosecutrix in the year 2018, since then he was taking money from the prosecutrix on one pretext or the other. The prosecutrix used to get money from the Financers in her name on many occasions and kept on giving the same to Manjinder Singh. The prosecutrix got Finance Rs. 5,50,000/- and same was given to Manjinder Singh. Thereafter in the month of September, 2018, the prosecutrix got financed a sum of Rs. 1,00,000/- from Bajaj Finance and prosecutrix gave it to Manjinder Singh. There after the prosecutrix pledged her Gold set on dated 11.11.2020 and gave a sum of Rs. 70,000/- to Manjinder Singh. From the year 2018 till the year 2021, Manjinder Singh was living with the prosecutrix in her house at Kharar in relationship. Apart from that whenever Manjinder Singh's parents used to come from Hoshiarpur to Chandigarh or Mohali, they used to stay in the house of the prosecutrix at Kharar. Entire salary of the prosecutrix also used to go in the account of Manjinder Singh in account Number 918020087275850 in Axis Bank. IFSC Code UTIB0000378. Even thereafter the prosecutrix in the month of February, 2022 got financed sum of Rs 30,000/- from Share India Finance Private Limited, Kurali on her name and had given the same to Manjinder Singh. Apart from that also, the prosecutrix was also having other cash and Gold, which she had sold and gave it to Manjinder Singh

for his Cricket practice. When the prosecutrix used to refuse to give money to Manjinder Singh, then obscene Photos and Video to which he had made at the time of forming relation with the prosecutrix, he used to threaten her to upload the same on social media and thus kept on blackmailing her. Thus, under compulsion, the prosecutrix used to give money to Manjinder Singh and the family of Manjinder Singh were also fully aware about the money transactions. Manjinder Singh had also decoyed the prosecutrix for solemnizing marriage with her and made the prosecutrix to give divorce to her husband Rajesh Kumar. When Rajesh Kumar came to know about the relationship of the prosecutrix and Manjinder Singh, he filed a divorce case before Family Court. Till date Manjinder Singh has taken sum of Rs 18-19 lakh from the prosecutrix. Thereafter, Manjinder Singh has gone to Cout Card England for playing cricket. During enquiry he was made aware of complaint against him over the phone, but he chose not to join the enquiry. Thereafter, his parents were joined in the enquiry, where they submitted their written reply. Upon conducting open and secret enquiry, it came forth that Manjinder Singh in connivance with his parents used to took money from the prosecutrix and developed physical relationship with her on the pretext of solemnizing marriage with her and also used to issue threats to the prosecutrix that he would upload her photographs and videos on social media and blackmailed her. The enquiry officer submitted his aforesaid report and recommended to take DDA, (Legal) opinion before passing any appropriate order.

3. That the Senior Superintendent of Police, SAS Nagar sent the case file to DDA (Legal), SAS Nagar for his legal opinion. The DDA (Legal), SAS Nagar, vide his office letter No. 344/DDALegal/SAS Nagar dated 30.06.2022, recommended that prima facie a case is made out against Manjinder Singh under section 376, 506 IPC. The DDA (Legal), SAS Nagar further opined

that in case any concrete evidence comes on record against Kamaljit Kaur and Lakhwinder Singh, then investigating officer can initiate proceedings against them. Thereafter, the Senior Superintendent of Police, SAS Nagar directed SHO, Police Station Kharar to register the FIR and investigate. On which, the present FIR No. 203 dated 21.07.2022 was registered under section 376, 506 IPC at Police Station City Kharar, SAS Nagar, against the petitioner.

4. That it is humbly submitted here that during investigation, the statement of the prosecutrix was got recorded under section 164 Cr.P.C. The complainant/respondent no.2 in her statement under section 164 Cr.P.C. has broadly stated that in the year 2018, the petitioner overheard her mobile number when she was telling it to some of her known person and he started calling her. The petitioner proposed her and they get involved in a relationship. From 2018 to March, 2021 she remained in relationship with the petitioner and they had visiting terms with each other. The complainant had further stated that she had told about her marriage and children to the petitioner. The petitioner started demanding money from the complainer On which, the complainant had given the bank account to the petitioner in her office and her complete salary was got deposited in the account of the petitioner. The petitioner told the complainant to leave her family and her children and also blackmailed her that if she would not demand money from her husband, he would upload their objectionable video. In total, she had given around Rs. 28-29 lakhs to the petitioner on different occasions. The complainant further submitted here that the petitioner threatened her, hence she got registered the present FIR against him.

5. That it is pertinent to mention here that in view of order dated 16.01.2023 passed by the Addl. Sessions Judge, SAS Nagar (Annexure P-4), the petitioner had come to Police Station,

City Kharar on 30.01.2023, where the investigating officer had given, him notice pertaining to his arrest as per the order. Since, then the petitioner is evading his arrest in the present FIR. The true copy of the order dated 16.01.2023 passed by the Addl. Sessions Judge, SAS Nagar is already annexed with the main petition as (Annexure P-4).

6. That it is respectfully submitted here that the first anticipatory bail petition of the petitioner has already been dismissed by this Hon'ble Court on 28.04.2023. The copy of the order dated 28.04.2023 passed by this Hon'ble Court is already annexed with the main petition as (Annexure P-6).

7. That after dismissal of the aforesaid anticipatory bail, efforts are being made to arrest the present petitioner. The investigating officer on 12.05.2023 has raided the house of the petitioner, where his father namely Lakhwinder Singh, mother Kamaljeet Kaur, grand mother Kailash Kaur and uncle Kulwinder Singh met the investigating officer. The investigating officer enquired from the aforesaid persons regarding whereabouts of the petitioners. The aforesaid family members of the petitioner told the investigating officer that the petitioner is not visiting home since the day of lodging of the FIR No. 203 dated 21.07.2022 against him. However, the family members assured the investigating officer that if the petitioner would visit the house, they would produce the petitioner before the investigating officer. The aforesaid facts are duly mentioned in the zimni no. 17 dated 12.05.2023 by the investigating officer.”

3. Learned counsel for the petitioner contends that the petitioner is innocent and he has not committed any offence.

4. I have heard learned counsel for the parties and have gone through the record.

5. In view of the status report mentioned above, the petitioner does

not deserve to be granted concession of interim relief.

- 6. In view of the same, the present petition is dismissed.
- 7. All pending application(s), if any, also stand(s) disposed of.

(SUDEEPTI SHARMA)
JUDGE

January 15, 2024

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No