



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

212

CRM-M-33506 OF 2024
DATE OF DECISION :- 19.07.2024

Saurabh Kukreja alias Saurabh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

Mr. Harshit Jain, Advocate has filed vakalatnama for the complainant. The same be taken on record.

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.187 dated 11.06.2024, registered for the offences punishable under Sections 376, 506 of IPC at Police Station Dera Bassi, District S.A.S. Nagar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“FIR No. 187 dated 11.06.2024 registered under Sections 376, 506 IPC at Police Station Dera Bassi, District SAS Nagar.

Copy of order Letter No. 3112/RL dated 06.06.2024 was received regarding registration of FIR with respect to zero FIR No. 236 (0) dated 27.05.2024 registered under Section 376, 506 IPC at Police Station Chandi Mandir, Panchkula (Haryana). The contents of which are as under: From the Superintendent of Police Panchkula to the SSP SAS Nagar, Punjab 1. No. 38903 dated 04.06.2024. Subject: FIR No. 236 (0) dated 27.05.2024



registered under Section 376, 506 IPC at Police Station Chandi Mandir, District Panchkula. 2. The SHO, Police Station Chandi Mandir, District Panchkula vide his application sent to this office in connection with above mentioned subject, has requested that the above said FIR has been got registered by the complainant Bhanu Priya Singh daughter of Randip Singh resident of Village Nada, Sector 31, Panchkula against accused Saurabh Singh. The occurrence is found to have taken place in your jurisdiction at Sunroof Hotel, Dera Bassi, District SAS Nagar, Punjab. Therefore, the original zero FIR regarding above incident, original complaint and other relevant documents are being sent to you for further action. Enclosure-original pages 1 to 45. Sd/- Himandri Kaushik IPS, Superintendent of Police, Panchkula. The contents of FIR No. 236 (0) dated 27.05.2024 registered under Section 376, 506 IPC at Police Station Chandi Mandir, Panchkula (Haryana) are as under: The contents of complaint are like this: To SHO Police Station Chandi Mandir, I, Bhanu Priya Singh is the daughter of Ramandeep Singh and is resident Nada Sahib, Sector 31, Panchkula. I Bhanu Priya Singh used to study alongwith Saurabh in Satluj School. My father is getting messages on the Instagram, whatsapp, email from the name Jeeta. He is sending messages and private photographs again and again through different IDs. I go to Dera Bassi for studies. In future, if any harm is caused to my life, then Saurabh 7009344292 and Jeeta-email id jeetasinghgh01@gmail.com Instagram <http://www.instagram.com/jeeta> 1062, phone no. 380947114115. My friendship with Saurabh turned into love affair. Thereafter, when I intended to break-up from him, he threatened me that he will tell everything to my father. He took me to Hotel Sunroof on 27/584 02.02.2024 and 27 developed physical relations with me. When I refused, he threatened to inform my father. Threats are being given in the name of Jeeta on the email, whatsapp and Instagram of my father. He is playing with my reputation.



Immediate action may be taken against Saurabh, Jeeta so that they may not make my private photo viral. Sd/- Bhanu Priya Singh dated 27.05.2024, 8427315586. Saurabh Kukreja 7009344292. On the receipt of the aforesaid complaint of Bhanu Priya Singh at Police Station, from the contents of the complaint, the offences under Section 376, 506 IPC would found and therefore, FIR No. 236 (0) dated 27.05.2024 registered under Section 376, 506 IPC was registered at Police Station Chandi Mandir, District Panchkula. Since the place of incident is Dera Bassi, Punjab, therefore, the original compliant is being sent to Dera Bassi through Post for investigation. Special copies were prepared and are being sent to the higher officers through email. This FIR has been recorded on the instruction of me, SI Sunita, Panchkula after the same was typed by Constable Ajay Kumar in my presence. The report was completed. On this the same was marked and was written that SHO of Police Station Dera Bassi for appropriate further action. Sd/- SSP, District SAS Nagar. Today at Police Station: today on the receipt of the same at Police Station, the above mentioned FIR against above accused was registered, the copies of FIR are being sent as Special Reports to Illaqa Magistrate and Higher Officers through constable Nurjahan 1326. Control Room, SAS Nagar was intimated through wireless message. A case file alongwith original documents are being handed over to ASI, Nathi Ram, 971/SAS Nagar for further investigation.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.06.2024. Learned counsel has further argued that the petitioner and the victim were in consensual relationship for the last many years and FIR was got registered by the victim on account of a misunderstanding having been developed between them. Learned counsel for the petitioner has further relied upon an affidavit dated 28.6.2024 (copy whereof has been appended as Annexure P-2 with the instant petition) to



argue that the said differences have now been resolved. Learned counsel for the petitioner has further argued that petitioner is a young man aged 23 years and has no criminal antecedents. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. 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 19.07.2024 in Court, which is taken on record.

5. Learned counsel appearing for the complainant has ratified the factum of the petitioner and the victim having entered into a compromise and thus learned counsel for the complainant has submitted that he has instructions not to oppose the grant of present regular bail and rather support the same.

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

7. The petitioner was arrested on 13.06.2024. The rival contention of learned counsel for the parties; as to whether the FIR in question was got registered by the victim on account of a misunderstanding having been developed between them, the petitioner and the victim being in consensual relationship for last many years as also the veracity/weightage required to be attached to the affidavit dated 28.6.2024 sworn in by the victim (copy whereof has been appended as Annexure P-2 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 19.07.2024 filed by learned State counsel, the petitioner is in custody for 1 month and 5 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 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.
- (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/Illaqa 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

19.07.2024
P.Singh

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