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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 14.08.2024

Arshdeep Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gurpreet Singh Gurna, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.
Mr. Kartik Bansal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.103 dated 24.05.2024, registered for the offences punishable under Sections 376 of IPC at Police Station Islamabad, District Amritsar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“A complaint No. 331864 dated 10.04.2024 was received at the police station wherein stated to the Hon'ble Commissioner of Police, Amritsar. Subject: complaint against Arshdeep Singh s/o Lakhwinder Singh, Lakhwinder Singh s/o Kulwant Singh, Amarjit Kaur w/o Lakhwinder Singh, Khushi d/o Lakhwinder Singh R/o village Fatehpur, District Amritsar for taking legal action against Arshdeep Singh for the crime of raping me and impregnating me. Respected Sir, I am Krishna daughter of Ram Singh resident of village Thande, Jhabal road, police station Islamabad, Amritsar. I am matric pass and I am working as a beautician in my own house. The above said Arshdeep Singh used to study with me in school. Because of this, I was familiar with him. Even after finishing school, he kept meeting me and kept telling me that I think you are very beautiful. I want to marry you. I told him that I am not getting married yet,



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but he started threatening me that if you don't marry me, I will commit suicide. After that, he introduced me to his father Lakhwinder Singh, mother Amarjit Kaur and sister Khushi to convinced me for marriage. All these three started telling me that we like you very much. We have no objection if you and Arshdeep Singh get married, in this way, Arshdeep Singh along with his parents and sister instigated me. The said Arshdeep Singh had taken a land on lease in our village. The said Arshdeep Singh called me to the motor room there and started doing indecent acts with me there. When I refused, he gave me a cold drink with which I became unconscious. He raped me without my consent and made a video of this incident from his mobile phone. I told about this to Arshdeep Singh's father Lakhwinder Singh, mother Amarjit Kaur and sister Khushi, who told me not to share this with anyone, we have to get you both married. In this way, the said Arshdeep Singh continued to satisfy his lust and raped me whenever he desired. In October 2023, I got pregnant. When I told my family about this, thereafter they spoke with Arshdeep Singh and his father Lakhwinder Singh, mother Amarjit Kaur and sister Khushi, they agreed to marry me with Arshdeep Singh, but later they refused. I kept asking Arshdeep Singh about marrying me by texting him on the phone and also telling him to give me his Aadhaar card so that I can get tests done for myself and your child growing in my stomach. But he and his parents kept refusing. I also have text messages in my phone regarding this. I am currently about 6-7 months pregnant and the said Arshdeep Singh has clearly refused to marry me. His father Lakhwinder Singh, mother Amarjit Kaur and sister Khushi have also clearly refused to marry me and Arshdeep Singh. They all threatened me that you should get your abortion by taking the 10-20 thousand rupees from us. We do not want you to marry Arshdeep Singh. The said Arshdeep Singh in connivance with his father Lakhwinder Singh, mother Amarjit Kaur and sister Khushi has raped me and made me pregnant by pretending to marry me. I have been bullied and treated unfairly. They threatened to kill me. Me and my unborn child are at risk of losings our life. If there is any physical or financial loss to me or the child growing in my womb, then all the responsibility will be on the said accused. Kindly take action under the crimes committed against them and let justice be given. Date: 9-4- 2024 Applicant correct/- Krishna s/o Ram Singh resident of village Thande, Jhabal Road, Police Station Islamabad, Amritsar.”

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3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.05.2024. Learned counsel has further argued that there was consensual relationship between the petitioner and the victim and they had in-fact decided to get married but could not do so on account of supervening circumstances. Learned counsel has further submitted that the petitioner is now intending to marry the victim and arrangements therefor have also been made and the marriage is scheduled to take place on 29.09.2024. 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 13.08.2024 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 25.05.2024 whereinafter investigation was carried out and challan stands presented on 20.07.2024. Total 21 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 and the petitioner was even wanting to marry the victim but could not do so on account of supervening circumstances as also the factum/weightage required to be attached to the marriage now stated to be solemnized between the petitioner and the victim on 29.09.2024; shall be gone into during the

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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 13.08.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 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 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 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/Illaqqa 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

August 14, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No