



CRM-M-40528-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40528-2024 (O&M)

Date of Decision: 04.10.2024

RUMINDER SINGH ALIAS GAGANDEEP SINGH ALIAS GAGGU

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. F.S. Virk, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Kamal, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. The instant petition has been filed on 12.08.2024 under Section 439 of Cr.P.C., 1973 for grant of regular bail.

As per the judgment rendered by this Court titled '*Abhishek Jain Vs. State of U.T. Chandigarh and another*' (CRM-M-31808-2024) **2024PHHC085784**, the instant petition is not maintainable under Section 439 of Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

Present petition has been filed for grant of regular bail to the petitioner in case bearing FIR No.70 dated 12.05.2023, registered for the offences punishable under Sections 376 and 506 of IPC (Charges framed u/s 376(2)(n) and 506 of IPC) at Police Station Division No.2, District

Ludhiana.

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2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Goldi Kaur daughter of Darshan Singh resident of village Baloungi District SAS Nagar Mohali age 27 years, mobile number 7053990004 stated that I am a resident of the said address, I met with Ruminder Singh @ Gagandeep Singh Gaggi son of Harchand Singh resident of village Lohara gali No. 2. at Mohali in August 2022. I was living in a rented PG in Mohali Baloungi where Ruminder Singh @ Gagandeep Singh often came to meet me. He told me that I will marry you, in this way he also met me with his family, father Harchandra, mother Kulwant Kaur, a brother Hardeep Singh @ Deepu and a sister Neetu at Mohali and all of them also said that we will get you married to Ruminder Singh @ Gagandeep. I believed him and he used to forcefully made physical relations with me by pretending to marry me, then he started saying that after my sister gets married, I will marry you and sometimes he started taking me to his house. I met with his family and they told me that please help us for Ruminder Singh's sister marriage with money, then I helped her with Financially and I used to stay at his house and he also used to made Physical relations with me without my consent, then I stayed at his house many times and every time he asked me for money, he has taken five lakh rupees from me. He used to ask me to meet in the hotel and now yesterday Ruminder Singh @ Gagandeep Singh @ Gaggi called me to Ludhiana, where he took me to Sukh Residency Hotel Ludhiana, where he had made forced sexual relations with me and then in the morning he was asking for money from me, when I didn't gave it then he had given me beatings and he also used to talk to another girl so I had a fight with him because of which he beat me in the morning in the hotel and he had some objectionable videos in his phone of me and he is now threatening me that I will post your video on social media, because of which I am afraid that my video will not be leaked. His family is also saying that we will marry our son outside and there is one Fir under section 307 IPC against him. Now they are threatening me that you can go and do anything. Legal action be taken against Ruminder Singh alias Gagandeep Singh alias Gaggi and his family. Sd/-Goldy Kaur.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.05.2023. Learned counsel for petitioner has further argued that there was consensual relationship between the petitioner and the victim which turned sour later on and on this account the petitioner has been falsely implicated into the FIR in question. In order to buttress his

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arguments, learned counsel for the petitioner has referred to whatsapp chat (copy whereof has been appended as Annexure P-7 with the instant petition). Learned counsel for the petitioner has further argued that all private prosecution witnesses have been examined and the victim is not turning up repeatedly for having her cross-examination recorded. Thus, regular bail is prayed for.

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.

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

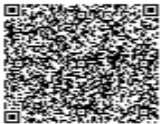
6. The petitioner was arrested on 13.05.2023 whereinafter investigation was carried out & challan was presented on 25.07.2023. Total 14 prosecution witnesses have been cited and 13 prosecution witnesses have been recorded in complete. It is not in dispute that the examination-in-chief of the victim has been recorded but the cross-examination has been repeatedly deferred as she was not available. The rival contention of the learned counsel for the parties; regarding the factum of there being consensual relationship between the petitioner and the victim which turned sour later on and whether on this account the petitioner has been falsely implicated into the FIR in question as also the weightage/veracity required to be attached to the whatsapp chat (copy whereof has been appended as Annexure P-7 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

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absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 03.10.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 01 year 04 months and 18 days. Though the petitioner is stated to be involved in another FIR pertaining to Sections 307, 341, 506, 109, 120-B and 34 IPC and 2 jail offences, but the factum of these cases being pending/punishment inflicted against the petitioner shall not be sufficient by itself to decline the concession of regular bail to the petitioner in the instant case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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.



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(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/Illaqa 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.

04.10.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No