



CRM-M-40305-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107/213

CRM-34657-2024 in/&
CRM-M-40305-2024 (O&M)

Date of decision: 02.09.2024

Gurpreet Singh @ Gora

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. Anup Singh AAG Punjab.

Mr. Basant Sharma, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

CRM-34657-2024

In view of the submission made by learned counsel for the applicant-petitioner as also the reasons stated in the application, the same is allowed. Order dated 18.03.2024 earlier passed by this Court is taken on record.

CRM-M-40305-2024

1. The present second petition has been filed under Section 483 of BNSS, 2023 by the petitioner-Gurpreet Singh @ Gora seeking regular bail in FIR No.83 dated 29.06.2023 registered under Sections 376, 377, 384, 328, 506 and 120-B of IPC at Police Station Cantt. Bathinda, District Bathinda, Punjab.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:



“Sub: Application for registration of FIR against Gurpreet Singh (Gora) son of Lakhvir Singh resident of Bangi Ruldu Mobile No. 97809- 96422. Lakhvir Singh father of Gurpreet Singh resident of Bangu Ruldu Mobile No. 94642-53887. 3. Paramjit Kaur wife of Lakhvir Singh resident of Bangu Ruldu, 4. 1 Parvinder Singh son of Gurpreet Singh @ Gora resident of Kanakwal Mobile NO. 953921-15003, 5. Rajpreet Kaur wife of Parvinder Singh resident of Kanakwal Mobile NO. 62396-75565, 94781-70612, 97796-14636, who have connived with each other and committed coercion. Gurpreet Singh enticed the applicant, given threat and false promises and committed rape without consent of applicant and recorded nude video, clicked photographs and all were in connivance with each other taken away cash and gold ornaments by giving threats of killing. Sir, The applicant respectfully submits as under: 1. That the applicant is resident of Bathinda City. In the year 2018, I was doing computer course at Vishwas Institute, Ganesha Basti, Bathinda. There Gurpreet Singh was also doing computer course. Because we were in the same class, therefore we used to talk about studies usually. Thus, Gurpreet Singh slowly became my friend. Gurpreet Singh also started compelling me to meet out of the class. However, I believed him and used to meet him outside the class. In the meantime on dated 28th, 29th March 2018, our staff on behalf of our institute went to tour at Amritsar., During that period, Gurpreet Singh enticed me and said' that he wants a good wife like me. However, I did not doubt behavior of Gurpreet Singh. 2. That on dated 17.04.2018, Gurpreet Singh took me away to the residence of his friend at Baba Farid Nagar, Street No.2, Bibiwal Road, Bathinda. He had told that her other family members i.e. other accused will also come there. They will talk with you and will decide about our marriage. However, I believed on the talk of Gurpreet Singh and went away with him at the above said address. After staying for some time, I had asked Gurpreet Singh that nobody has come. Gurpreet Singh said that they will come in short while. Let us have some drink etc. Gurpreet Singh given me drink in the glass. After taking it, my head became heavy. Then I became unconscious. When, I regained my conscious and saw that I had no cloths over my body and I was feeling pain in my body. Accused was lying with me on the bed and I felt that rape was committed with me. In this regard, I asked accused Gurpreet Singh as to why you have committed fraud with me. Why you have committed rape with me. Gurpreet Singh said that you have no need to. worry and I have stamped you in such a way that now you. can become of somebody else. He will talk with my parents and will perform marriage. I said to him that



I had believed you that you will meet me with your parents and I had come for this purpose. He said that if he had told truth that I would not come here and then I could not have done this. He said that you may not have any talk about this to someone. I had no other alternative, therefore I remained silent. 3. Then in the month of October 2018, Gurpreet Singh asked me to come to the above said house. I refused to do so saying that you have already cheated me and raped me. I have no trust on you. Gurpreet Singh said that on that day, he had recorded my video, which is in his mobile and if you will not go there, he will viral this video and you will be defamed and you will not have any way to go. However, I was afraid and I went along with him in the said house. Then Gurpreet Singh committed rape with me without my consent. After that Gurpreet Singh after some days, used to take me to that house and committed rape with me. In the meantime, Gurpreet Singh compelled me and got cash from me from time to time, which I used to bring from my parents to pay my fees. In the month of October 2019, Gurpreet Singh took me in the D.R. Plaza Hotel, Bathinda and committed rape with me without my consent and took undue advantage. He used to give me some medicines and also done unnatural sex. In the meantime, I became pregnant. When, Gurpreet Singh came to know about this, he gave me a medicine kit and it was aborted. It has affected me mentally & physically. 4. That thereafter Gurpreet Singh accused continuously gave threats to me and took advantage of my compelling circumstances and committed rape with me from time to time without my consent. 3. That after that accused Parwinder Singh sent message to me and demanded money. When, I asked him as to who are you, he said that Gora has sent your nude video. If you will not give money, he will viral this video. I was afraid and I gave money to Parwinder Singh. After that accused Gurpreet Singh and Parwinder Singh continuously black mailed me, caused mental and physical harassment to me. They got huge money and gold ornaments etc. from me by threatening to viral my video. Later on, I came to know that Parvinder Singh is brother in law (Jija) of accused Gurpreet Singh @ Gora. 6. That thereafter, I talked with accused Lakhvir Singh, Paramjit Kaur who are father and mother of Gurpreet Singh @ Gora as well as with Rajpreet Kaur who is sister of Gurpreet Singh Gora and wife of Parwinder Singh. They said that they know all about this. Gurpreet Singh has said to me that he will perform marriage with me. The accused said that they were not willing to perform Manisha Rana his marriage with you and Gurpreet Singh reiterated that he has done all this for enjoyment and money. You



cannot do anything against them. They threatened me that if I called them or talked with Gurpreet Singh or Parwinder Singh, I will have to face dire consequences or they will kill me. I was afraid and I kept silence and I did not do anything. They have committed coercion, given threats, took away my money and gold etc., committed rape with me. I was harassed and I went into depression and I am getting medicine. 7. That in the month of February 2022, FIR No. 30 dated 27.02.2022 was registered under Section 307 of IPC in P.S. Rama against accused Gurpreet Singh and his brother and father etc. He ran away from the house and he even remained in jail. 8. That when Gurpreet Singh @ Gora came out from the jail and he again started giving threats to me and demanded money from me and started blackmailing me. 9. That all the accused have connived with each other, they are giving threats to kill me, causing harassment and may cause physical and financial loss. I am being harassed like earlier, and money is being demanded, I being blackmailed to defame me. I am already in depression. I am getting medicine. Because accused had given threats to me, therefore, I kept silent and I followed them because of my compelling circumstances. It is, therefore, respectfully prayed that FIR be registered against the above said persons for having connived with each other, committed rape, recorded my nude film and giving threats of killing, blackmailed me, grabbed my cash and jewelry, caused mental and physical harassment to me, given threats to viral my video and to defame me and ruining my life. The accused be strictly punished and justice be given. I shall be thankful to you. Sd. Raman Bala.”

3. The petitioner had earlier applied for grant of regular bail before this Court which was dismissed as withdrawn on 18.03.2024. The relevant part of said order reads as under:-

“Short reply by way of affidavit of Sh. Saravjeet Singh, PPS, Deputy Superintendent of Police, City-2 Bathinda filed in the Court today. The same be taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Faced with the situation that the victim is yet to be examined as a prosecution witness, learned counsel for the petitioner seeks permission to withdraw the present petition at this stage.

Permission is granted. The present petition is dismissed as withdrawn at this stage.”



Thereafter, the present petition i.e. the second petition for grant of regular bail has been preferred by the petitioner on 08.08.2024.

4. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as he has no connection whatsoever with the alleged offence in any manner. Learned counsel has further submitted that a false and fabricated story has been concocted by the complainant just to harass and humiliate the petitioner. It has been further contended that there are material discrepancies in the testimony of the victim, which cast significant doubt on the prosecution's case. Learned counsel asserts that it is implausible to conclude that the petitioner engaged in any wrongful act with the prosecutrix, particularly in the absence of any corroborative medical evidence. Furthermore, according to the Medico Legal Report (MLR) neither there was any visible injury on the body of the prosecutrix nor any incriminating fact has been surfaced which cast a serious doubt on the story put forth by the complainant. Furthermore, the testimony of the prosecutrix fails to instill the requisite degree of confidence to reach to a conclusion that the petitioner has forcibly committed rape upon her as there are major improvements in her testimony. Even the evidence adduced by the prosecutrix (when examined as PW-1) is inconsistent with her statements made under Section 161 of Cr.P.C., 1973 as well as under Section 164 of Cr.P.C., 1973. Furthermore, the prosecutrix was in consensual relationship with the petitioner for 03 years and had never made any complaint to the Police during those 03 years. Learned counsel has further submitted that all the material prosecution witnesses including the prosecutrix and the investigating officer have already been examined and



hence there is no likelihood of the petitioner tampering with the evidence and/or influencing prosecution witnesses. In this view of the matter, learned counsel has prayed for grant of regular bail.

5. *Per contra*; the learned State counsel (assisted by learned counsel for the complainant) has vehemently opposed the grant of regular bail to the petitioner on account of the present petition being non-maintainable as it is the second petition for grant of regular bail as also on merits thereof. Learned counsel further asserts that allegations raised are serious in nature as the testimony of the prosecutrix completely supports the case of the prosecution. According to him, there are allegations of repeated rape of the prosecutrix upon the petitioner. Learned State counsel has further submitted that out of total cited 22 prosecution witnesses, 02 have been examined and the next date fixed before the trial court is 16.09.2024 for further proceedings. Learned State counsel has further submitted that the petitioner is also involved in two other FIRs i.e. FIR No.77/2021 dated 08.07.2021 registered under Sections 323/341/427/148/149 of IPC at Police Station Raman and FIR No.30/2022 dated 27.02.2022 registered under Sections 307/324/323/341/427/148/149 of IPC at Police Station Talwandi Sabo, though was on bail in both the cases.

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

7. Indubitably, serious allegations of commission of rape and sexually abusing the prosecutrix for a long period of time as also extending threats to disseminate her obscene video have been attributed against the petitioner. Furthermore, the mobile phone which was used to extend threats



to the prosecutrix was also in the name of the petitioner. This factor, by itself, is a relevant and important factor to be considered for grant of regular bail to the petitioner. From the entire factual conspectus brought forward in the present petition, this Court is of the considered opinion that the allegations made in the FIR against the petitioner relate to committing repeated rape upon the prosecutrix and extorting money from the prosecutrix on the threat of disseminating her obscene video as also extending threats in case the prosecutrix disclosed the same to anyone. The allegations raised against the petitioner are extremely serious in nature. The rival contention of learned counsel for the parties; regarding the veracity/inconsistency(s) in the testimony of the prosecutrix cannot be looked into, in detail, at this stage, lest it may prejudice the trial. Even if it be assumed that there are discrepancies in the statement of the prosecutrix, this by itself would not be a sufficient cause to grant regular bail to the petitioner.

7.2 The nature of allegations made against the petitioner, especially his antecedents and the fact that the petitioner is alleged to have forcibly committed rape against her, disentitles him for grant of regular bail. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail. The petition is, thus, devoid of merits and is hereby dismissed.

8. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.



- 9. The trial Court is directed to expedite the trial and conclude the same preferably within a period of 06 months from the date of receipt of certified copy of this order.
- 10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

September 02, 2024
Ajay

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