



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-44794-2023 (O&M)
Date of decision: 13.05.2024

Amrik Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. L. M. Gulati, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. J. S. Walia, Advocate and
Mr. Akamjit Singh Ahluwalia, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 0041 dated 21.04.2022, registered under Sections 376 and 506 of IPC and Sections 67, 67-A of Information Technology Act, 2000 at Police Station Ghanour, District Patiala.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement recorded by the complainant 'L' (*name withheld*) on 21.04.2022 alleging therein that the petitioner, who is her *Chacha* in relation, used to live in her

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native village. Though earlier they were residing at Rajpura but in the year 2017, she had shifted to her grandparents' house at her native village and had started studying in a college at Patiala. During that period, the petitioner, who was already a married person, expressed his love for her and also represented that he wanted to marry her after giving divorce to his wife. In this manner, he induced her to enter into a relationship with him. Sometime thereafter, her parents also shifted to the same village. The wife of the petitioner came to know about their relationship and intimated about the same to her parents and on their asking, she had stopped talking to the petitioner. However, the petitioner started pressurizing her to talk to her and otherwise threatened to commit suicide. He also gave a cellphone to her to have conversation with him. Out of fear, she continued talking with him. She further alleged that one day when she was returning from her college and was standing at Bus Stand, Bahadurgarh, the petitioner reached there in a black colour car and asked her to board the same. When she sat in the said car, he consumed some tablet and also told her to consume the same. On her refusal, he offered her some cold drink. Thereafter, he pressurized her to commit act of carnal intercourse against the order of nature by making her enter his male organ in the orifice of mouth of the victim and otherwise threatened to kill her. He also kept a knife on her neck, thereby compelling her to do so. He also pressurized her to make a video of the act and thereafter, threatened to make the said video viral if she disclosed about the incident to anybody. She further alleged that the petitioner had started blackmailing her by extending threats and thereafter, he managed to come to her house several times and then also ravished her. She alleged that on 19.04.2022, their village Sarpanch came to her house and told her mother

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that a video of the petitioner and the prosecutrix was getting viral in the village and on asking of her mother, she disclosed about the entire incident to her. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 21.04.2022. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was present in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences. He had moved applications before the trial Court for grant of regular bail but the same had been dismissed.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The FIR was lodged against him on suspicion that he had made the video showing their relations viral. The relationship between the prosecutrix and himself was consensual. The prosecutrix has since been examined and her testimony shows the nature of their relationship. It was not a case of committing rape upon the prosecutrix against her consent. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has submitted that there are serious allegations against the petitioner. He had repeatedly ravished the prosecutrix, who is her niece in relation and had got the videos of the act of committing rape upon her and made her do act of unnatural carnal intercourse against the order of nature. He had been blackmailing the prosecutrix since long on the basis of those videos. The said videos have been recovered and

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have been produced in Court during the course of trial. The prosecutrix has fully supported the prosecution version in her sworn deposition. Therefore, it is argued that there is no force in the pleas as taken by the petitioner and it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

6. As per the allegations, the petitioner had firstly induced the prosecutrix to enter into a relationship with him on the pretext of performing marriage with her by giving divorce to his wife and had thereafter made her to do act of carnal intercourse against the order of nature, had prepared videos of the same and thereafter repeatedly ravished her. As per further allegations, some of those videos had been made viral also. The allegations against the petitioner are serious in nature. As per the petitioner, the relationship between them was consensual in nature, whereas, according to the prosecutrix, she had been initially induced to enter into the same and thereafter blackmailed by the petitioner on the basis of a video taken by him to have sexual relations with her. Copy of the sworn deposition of the prosecutrix has been placed on record as Annexure P-3 and a perusal of the same reveals that she has supported the prosecution version. There might be some inconsistencies in her statement, however, those cannot be assessed by this Court at this stage while taking into consideration the plea of bail of the petitioner and it is for the trial Court to make a decision on the same by thorough assessment and evaluation of the evidence produced on record. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the

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gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes