

2024:PHHC:006367
**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRM-M-48796-2023
Date of Decision: 18.01.2024

Happy Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON’BLE MR.JUSTICE SUMEET GOEL

Present:- Mr.Krishan Kanha, Advocate
for the petitioner.

Mr.Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.385 dated 29.08.2020, registered for the offences punishable under Sections 376-D, 384, 450, 506 IPC, at Police Station City Barnala, District Barnala.

2. The case set up in the FIR in question is as follows:-

“Copy of Statement, "Statement of Sandeep Rani W/o Late Gulab Singh S/o Ranjit Singh, D/o Tarlochan Pal, R/o Barnala, aged about 25 years, Mobile No. 7347019352". Sated that I am resident of above mentioned address and doing a private job. My marriage was solemnized in the year 2014 with Gulab Singh S/o Ranjit Singh, R/o Raikot Road, Near Kaushal Palace, Barnala. My husband had acquaintance with Satnam Singh @ Satti S/o Paramjit Singh, R/o Shekha Road, Street No. 12, Barnala and he used to visit our home with my husband. All of sudden, in the 2018, my husband died. Thereafter, I started living with my parents. My father was 'Halwai' and my mother is working in the

Trident Cornpany and I have one younger brother. I don't have any work after the death of my husband and Satnam Singh, friend of my husband, told me that he will get work for me and I started talking with him. Then he told me that he wants to solemnize marriage with me and I came under his influence and he started talking with me. Then in the month of August-2018, he developed physical relation with me at my house against my wishes on the pretext of marriage and he told that we are going to get married. At that time he clicked my indecent photographs in a secret manner. After sometime, he told me that he is having my photographs and he will make it viral and in lieu of deleting the same, he asked for money. At that time, I gave him some money for deleting my indecent photographs. But he did not delete my photographs and started blackmailing me. On the pretext of photographs, he kept on developing physical relation with me and he also used to take money from me. Then Satnam Singh also made one indecent video without my knowledge and used to take money by giving threats to put the same on internet.

In this regard, Happy Singh S/o Jarnail Singh, R / o Kishangarh, District Mansa, at present resident of Street No. 12, Shekha Road, Barnala used to help him. On 17.07.2020, my mother had gone for night shift duty and my father was sleeping in other room at our home and my brother was out of station. Then Satnam Singh called me on phone at about 12.00 PM and told me to open the gate, otherwise he will scale the wall. Due to fear I opened the gate. Then Satnam Singh and Happy came to our home and told in case I raised any alarm then they will kill me. Both of them developed physical relation with me without my consent and left the place after threatening me. For the sake of insult, I did not raise any alarm. On 15.08.2020, Satnam Singh again demanded money after sending message on my phone and I have evidence to this effect and I can produce at the relevant time. Till today, I had paid Rs. 3,00,000/- to Satnam Singh and Happy Singh. They have not deleted my photographs and video. Rather they are giving threats to life. Justice may be given to me after taking legal action against Satnam Singh and Happy Singh. Statement recorded, heard and correct. Sd/- Sandeep Rani,

attested Sd/- Rajpal Kaur, SI/CAW&C Unit, Barnala. Dated 29.08.2020."

3. Learned counsel for the petitioner has argued that the petitioner (herein)-Happy Singh was granted regular bail by this Court vide order dated 15.10.2020 passed in CRM-M-31842-2020. The petitioner, on account of his ill health, could not appear on the date fixed in the trial Court on 06.12.2021 but an application for exemption from personal appearance was filed by his learned counsel for that day. Vide order dated 06.12.2021, the application for exemption from personal appearance was declined and his bail/surety bonds were forfeited as also arrest warrants were issued qua the petitioner. Thereafter, the petitioner was arrested on 25.05.2023 in another case and was produced in the instant trial on production warrants. Learned counsel for the petitioner has further argued that a compromise has been effected between the prosecutrix (Sandeep Rani) and co-accused (Satnam Singh) and a petition for quashing on the basis of compromise i.e. CRM-M-48429-2023 also stands filed in this Court, which is next fixed for hearing on 12.02.2024. Thus, he prays that the petitioner be released on regular bail.

4. Learned State counsel has opposed the present petition by 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. Though the petitioner had not appeared in person on 06.12.2021 but an application seeking exemption from personal appearance

was filed on behalf of the petitioner on account of his ill health. Nevertheless, the petitioner has been now in custody since 25.05.2023 and the trial will take its own time to conclude. The submission made by the learned counsel regarding the compromise having been effected between the prosecutrix (Sandeep Rani) and co-accused (Satnam Singh) will be gone into during appropriate proceedings. This Court does not deem it appropriate to delve deep into the veracity and effect of the compromise lest it may prejudice the case of the either parties. As per the custody certificate dated 16.01.2024 submitted by the learned State counsel, the petitioner has undergone incarceration for more than 09 months and 18 days. In the considered opinion of this Court, further incarceration of the petitioner is not warranted. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in considered opinion of this Court, further detention of the petitioner is not warranted.

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 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/Illaq 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

January 18, 2024
poonam

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>