

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
205

CRM-M No.46155 of 2024
Date of decision : 20.9.2024

Bhupinder Singh @ BhindaPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. K.S. Brar, Advocate, for the petitioner
Mr. Yuvraj Singh Tiwana, AAG Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case FIR No.67 dated 14.5.2024, under Section 376 of IPC, registered at Police Station Women Cell, District SAS Nagar (Mohali).
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

‘Copy of complainant No. 1813/S/S.P dated 08.02.2022 of Ravinder Kaur daughter of late Sh. Gurdeep Singh resident of H. No. 266, near Khalsa Chowk Naraingarh, District Ambala, mobile No. 62832-00455, received by post in the Police Station the contents of which are that: Complainant: Ravinder Kaur, Gurdeep Singh residing at Phase 9, Mohali. Daughter of Late Sh Complaint against: Bhinda Sidhu numbers and his are 9592897070 contact 9878608634 working in Kaushal Healthcare, Kaushal Hospital, Near Rori Sahib Gurudwara Kharar, Distt (Mohali) | Ravinder Kaur, came across with a person in July 2021 through a common acquaintance who introduced himself as Bhinda Sidhu. We were



also connected on social media, I and this person exchanged contact numbers after some interaction in August 2021 then he started calling me and disclosed his identity as 1. He initially told me bachelor and inclination to when I "Bhinda Sidhu". that he is showed him a my settle abroad permanent basis then he have started showing interest on in me asked me to send soft copy of documents of my qualifications, experience & Passport on pretext to help me my carrier paining abroad and during these interactions he made his intentions clear that he want to get married to me. 2. He and I became friends but he withheld his true intentions & Name, Address and his identity from me and that I felt into the trap laid by him I was in as a very vulnerable position. 3. He got my Blood tests conducted on pretext of checking my Medial Status as I was willing to go abroad while it whether was am his intention to ascertain infected with HIV or other I STDs. 4. He had stated that he wanted to get married to me and that he too is willing to settle abroad with me and I also believed him thereafter and developed he physical relations with me many times on 28.08.2021 at a Hotel in Balongi (near Kharar), in second half of in September 2021 in Hotel Highway Greens Kharar on in 16 10.12.2021 he took me to his friend's Flat in (Kendra October 2021 in Kasauli and on vihar, Mohali) Kharar, without my consent, he told relationship me that he while making sexual is already married and that his wife is pregnant and that he is going to be father of a child very soon. He had also informed me that he is also having a 11 12 years old child and that known by various names Bhupinder Singh Bhalinder Sidhu/Bhupinder Sidhu. I was under impression that Singh/Bhinda as promised, he would definitely get married to me but I didn't knew that intentions as. I went into depression and requested him many times to at least give me his medical reports that I may be satisfied about my health too. In the mean time I got my Blood tests conducted to be on safer side. 5. Regarding his marital status being married, he have never informed me about as such before developing physical relations with me and but rather he had been telling me that he will get married to me as such his acts constitutes offences of Rape, Cheating as well as Fraud on me which he committed on me by playing fraud that he will get married to me. 6. I am under tremendous mental pressure because of the mala fide acts that he have committed fraudulently on me and he have sexually exploited me many times based on wrong and false assurances of getting married to me while he was still married. 7. It is pertinent to mention that on 17 12.2021 he had shown his blood test



report to me in which his name has been depicted as Bhalinder Singh, the name, which was not told to me earlier, and therefore I am also fearful that he have been frequently talking to me regarding HIV/AIDS and that it takes 6 to 8 months for it to show its symptoms in a human Body. 8. When I asked his that why ne cheated married, Because disclosed himself when he himself me he of threatened to the reasons pot as his identity was already kill that falsely me. he 9. had introduced had and Singh /Bhalinder Singh/Bhinda Bhupinder therefore I consider myself Sidhu/Bhupinder Sidhu, cheated and is very keen to know his medical/blood reports so as to ascertain if any medical diseases because of his acts, which might have been transmitted to me 10. Therefore yourself are intervene and direct him to requested to furnish his complete HIV test reports so that I could be satisfied that I am (STD, AIDS) not affected by any of the disease that he had been frequently mentioning to me and I could be relieved from mental stress. 11. You requested are to register an FIR against this person who has withheld his real identity from me and developed physical relation with me on false pretext of getting married committed me to Cheating, and therefore Raping and threatening to kill me. Regards. Ravinder Kaur (6283200453) Date: 01.02.2022.'

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 16.5.2024. Learned counsel has further submitted that the investigation in the present case is already complete and challan stands presented. Learned counsel has further submitted that the FIR in question as also the material brought on record during the course of investigation indicates that there was consensual relationship between the petitioner and the victim which turned sour later on account of supervening circumstances & it is on this account, the petitioner has been falsely implicated in the FIR in question. Thus, regular bail is prayed for.

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. Learned State counsel seeks to place on record custody certificate dated 19.9.2024 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 16.5.2024 wherein after investigation was carried out and challan was presented on 1.8.2024. Total 12 prosecution 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 earlier between the petitioner and the victim which turned sour later on and it is on this account the petitioner has been falsely implicated in the FIR in question; 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 material 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 19.9.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of three months and thirty days and 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/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.

(SUMEET GOEL)
JUDGE

20.9.2024
Ashwani

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