

**Sr. No.103+215****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-16843-2024 in/and
CRM-M-51343-2023
Date of decision: 22nd May, 2024****JAGJEET SINGH ALIAS JEET****.....Petitioner****versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Vikas Garg, Advocate and
Mr. Ishaan Sharma, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J.**CRM-16843-2024**

Allowed as prayed for. Inquiry report, dated 23.09.2023, and photographs are taken on record as Annexures P-4 and P-5, subject to all just exceptions.

CRM-M-51343-2023 (O&M)

1. The instant first petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.189 dated 19.07.2023, under Sections 376 and 506 IPC, 1860, registered at Police Station Civil Lines, Bathinda, Bathinda (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that there was a consensual relationship *inter se* the petitioner and the first informant for a period of



07 months. When the relationship turned sore and the petitioner stopped giving money to the first informant, the prosecutrix roped him in a false case.

3. Learned State counsel as well as the counsel appearing on behalf of the complainant have opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Learned counsel for the complainant contends that the petitioner is threatening the prosecution witnesses after obtaining appropriate orders from this Court. Learned State counsel, on instructions from ASI Gursahab Singh, has informed that final report (*'challan'*) has been presented. However, learned counsel for the complainant has further submitted that even the complainant has moved a complaint, dated 27.04.2024 before the Additional Director General of Police, Bathinda, regarding the threats being given by the petitioner. The application has been marked to the Senior Superintendent of Police, Bathinda, vide letter dated 06.05.2024. The said application has been shown in the Court.

4. *Per contra*, learned counsel for the petitioner contends that inquiry regarding the said complaint was conducted and as per Annexure P-4, the Inquiry Officer has concluded that such applications are being filed on the basis of a concocted story, since the bail application is pending before this Court.

5. I have considered the aforesaid contentions and perused the paper book.

6. As per the paper book, the first informant has alleged that she is running a boutique. She was earlier married to Shaminder Singh, resident of District Muktsar Sahib. A child was also born out of the said wedlock. However, Shaminder Singh was a drug addict, as such, a decree of divorce was obtained by the first informant. Thereafter, she came in contact with the petitioner and they stayed in a live-in relationship at Talwandi Sabo. The petitioner made a false



promise to marry her. However, later on, the prosecutrix came to know that the petitioner is addicted to drugs and he used to pick up quarrels with her on petty matters. Ultimately, he refused to marry her and the physically assaulted the prosecutrix and also burned the household articles. Three months thereafter, the prosecutrix solemnized marriage with Amandeep Kumar, who is a resident of Village Jhajjal and she disclosed about the aforesaid relationship to her husband. Even after the solemnization of marriage by the prosecutrix with Amandeep Kumar, the petitioner used to follow her and used to come outside her house. Being annoyed and afraid, the prosecutrix and her husband shifted to a new residence. The petitioner was having some objectionable photographs and videos of the prosecutrix, on the basis of which, he started blackmailing her. On 16.04.2023, at about 8:00 PM, when the prosecutrix was sitting in her boutique, the petitioner came there under the influence of intoxicants and forcibly entered the house. The prosecutrix resisted the petitioner but he forcibly made sexual intercourse with the her. Ultimately, the neighbours intervened in the matter and intimated the husband of the prosecutrix through telephone. However, in order to save her matrimonial life, the prosecutrix did not disclose about the said occurrence to her husband. Again on 12.07.2023, at 1:30 PM, when the prosecutrix was alone in the boutique, the petitioner came in the Innova car and forcibly entered her boutique. He took the prosecutrix inside the room and committed rape upon her twice and she was beaten up. Ultimately, the prosecutrix disclosed about the aforesaid occurrence to her husband and she was admitted to hospital on 17.07.2023.

7. Considering the facts and circumstances of the present case, no doubt initially there was a consensual relationship between the petitioner and the prosecutrix but the prosecutrix has specifically alleged that when she came to know that the petitioner is a habitual of intoxications and he used to beat the



prosecutrix and also refused to solemnize with her, she was turned out of the house. Thereafter, the prosecutrix solemnized marriage with another person. It is further in allegation that even after the registration of the present FIR, the petitioner has been threatening the prosecutrix to kill her. He has not been arrested, as such, the complainant moved a complaint to the police authorities. Apart from this, even the witness has moved a complaint to the police authorities upon which the inquiry has been conducted as per the inquiry report (Annexure P-4). At this stage, I do not feel proper to comment on the conclusions drawn by the inquiry officer as per the inquiry report (Annexure P-4). However, this fact is noticed that after the dismissal of the anticipatory bail application by the Additional Sessions Judge, the petitioner has not been arrested and during this period both the victim and witness have separately filed applications that the petitioner is threatening them and demanding huge amount from the witness. It is the duty of the investigating agency to protect the witnesses under the Witness Protection Schemes which have been framed by the State Government.

8. *Prima facie* it is not merely a consensual relationship about which the FIR has been lodged. It is a case where the prosecutrix has solemnize marriage with someone else after having the alleged consensual relationship but there are allegations against the petitioner that he is threatening and even sexually abusing the prosecutrix after that.

9. Keeping in view the facts and circumstances of the present case and without commenting anything on the actual merits of the case, I am of the considered opinion that the petitioner does not deserve the concession of anticipatory bail.

10. Consequently, the present petition stands dismissed.



11. However, it is made clear that nothing observed hereinabove will be taken to be an observation on the merits of the case.
12. Pending miscellaneous application (s), if any, also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd May, 2024
Sim/nitin

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