



CRM-M-49096-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49096-2024 (O&M)

Reserved on: 08.11.2024

Date of Pronouncement:- 18.11.2024

SHANTY

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

(As on the reserved date)

Present: Mr. Ramandeep, Advocate,
for the petitioner.

Mr. Jasdeep Singh, D.A.G., Punjab.

Mr. Shakti Mehta, Advocate,
for respondent No. 2-complainant.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 482 of the the '*Bharatiya Nagarik Suraksha Sanhita*', 2023 for grant of anticipatory bail to the petitioner in case FIR No. 152, dated, 12.09.2024, registered at Police Station Samana, District Patiala, under Sections 64 (2) (M) and 351 (3) of the *Bharatiya Nyaya Sanhita*, 2023.

2. Mr. Shakti Mehta, Advocate, has appeared and filed his '*Vakalatnama*' duly executed in his favour by respondent No. 2. The same is taken on record.



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3. Learned counsel for the petitioner *inter alia* contends that respondent No. 2-complainant who is major was in consensual relationship with the petitioner which is evident from the photographs (Annexure P-2) and from the various messages exchanged between them (Annexure P-3). There is a delay of 8 days in lodging the FIR and there is no explanation for the said delay. The petitioner is ready to join the investigation.

3.1 It is further contended that the petitioner is involved in six other FIRs, although the said FIRs were not similar in nature.

4. Both learned counsel for the State, as well as counsel for the complainant, opposed the present petition, on the ground of gravity of allegations. The State counsel has further informed that there are seven other criminal cases are pending against the petitioner which are as under:-

- “1. FIR No. 259, dated 16.09.2020, under Sections 25/27/54/59 of the Arms Act, 1959, registered at Police Station Sadar Samana;
2. FIR No. 03, dated 03.01.2020, under Sections 452/323/148/149 IPC, registered at Police Station Sadar Samana;
3. FIR No. 185, dated 20.08.2022, under Sections 324/323/506/34 IPC registered at Police Station Sadar Samana;
4. FIR No. 144, dated 28.07.2023, under Sections 324/323/341/148/149/506 IPC, registered at Police Station Sadar Samana;
5. FIR No. 54, dated 06.04.2024, under Sections 61/1/14 of the Excise Act, registered at Police Station Sadar Samana;
6. FIR No. 181, dated 10.08.2021, under Sections

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323/341/148/149/506 IPC, registered at Police Station City Samana; and

7. FIR No. 4, dated 03.01.2020, under Sections 458/380/427/506 IPC, registered at Police Station Sadar Samana;

5. I have considered the aforesaid submissions. The petitioner is a relative of the prosecutrix. They were known to each other. On 01.09.2024, at about 11:00 p.m., the petitioner is alleged to have made a phone call to the prosecutrix and told the prosecutrix to meet her representing that he has some urgent work. The prosecutrix was taken to a hotel in Chandigarh and the petitioner is alleged to have violated the prosecutrix against her wishes. Thereafter she was taken to another hotel in Samana and she was again violated. The prosecutrix was threatened not to disclose the said facts to anyone. The State counsel has shown a copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. whereby she has corroborated the prosecution story. The prosecutrix has categorically stated that she was threatened by the petitioner.

6. Keeping in view the fact that the investigation is at the initial stage; the medical examination of the prosecutrix is yet to be conducted and in view of the history of cases having been registered against the petitioner, the nature of the cases and the allegations against the petitioner, no ground is made out to give the concession of anticipatory bail to the petitioner.

7. Consequently, the present petition stands dismissed.

8. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be



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taken up by the learned trial Court wholly on the basis of evidence led/gathered before it.

9. Pending miscellaneous applications, if any, also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

November 18, 2024
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Whether Speaking	Yes/No
Whether Reportable	Yes/No