

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-57073-2023

Date of decision:31.01.2024

Jagtar Singh

....Petitioner

V/s

The State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jasdeep Singh Kailey, 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.57 dated 30.07.2023, registered for the offences punishable under Sections 376 & 506 IPC at Police Station Women, SAS Nagar, District Mohali.

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

“Copy of complaint: Complaint No. 4332/S/SSP dated 21.04.2022 and Complaint No. 1636/P/SSP dated 16.06.2022 from Jaspreet Suraya daughter of Budhu Khan, resident of Near Baidwan, Atta Chowki, Sohana, District SAS Nagar, which is received through post today in the Police Station, which is as under:- To, The Senior Superintendent of Police, District SAS Nagar, Mohali. Subject: Complaint against Jagtar Singh (82820-3149, Phone No. 62808-53884, 86998-53884) son of Harbans Singh Lambardar, resident of Manak Majra, District SAS Nagar for making physical relation and cheating to the pretext of marriage. Sir, it is submitted that I am Jaspreet, resident of Village and Post Office Sohana, Tehsil and District SAS Nagar (Punjab), where I am residing on rent. That I had love affair with aforesaid Jagat Singh (Mobile No. 62808 53884, 86998, 86998 53998-53884) son of Harbans Singh Lambardar, resident of Manak Majra, District SAS Nagar since the last 3 years and had told for performing marriage with me. P came in his allurements, whereas I had full trust on him. That the abovesaid person Jagtar Singh had a physical

relation with me. That now I came to know that abovesaid Jagtar Singh has solemnized his marriage with another girl. Jagtar Singh has been demanding money from me. That the above Jagtar Singh has stolen money amounting to Rs. 2,00,000/- of my landlord lying in the almirah. He had received Rs. 80,000/- online on 16.04.2022 from my account. Thereafter he received Rs. 10,000/- on 18.04.2022. He also received money Rs. 16,000/- online from the son of my aunt (bhua). One gold chain of me is also lying with me. That when I told him about cheating, he started abusing me and threatening me. That the said person has made physical relations with me and extorted money from me on the pretext of marrying me. That the said Jagtar Singh worked as Driver at Government Hospital, Phase-6, Mohali and that doctor has prescribed me some very strong drug for sleep and he called me his wife to that doctor of his. That all Jagtar Singh's friends knew that it had something to do with me. Therefore, I may be provided justice and strict legal action be taken against aforesaid Jagtar Singh. I shall be highly obliged. Thanking you, Yours faithfully. Sd/- Jaspreet Suraya, resident of VPO Sohana, Tehsil and District SAS Nagar, Mohali, Mobile No. 95013-69949 dated 21.04.2023.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 03.08.2023 and investigation in the case is already complete. Learned counsel for the petitioner, while referring *in extenso* to the FIR in question, has argued that there was a long lasting love affair between the petitioner and the victim which turned sour on account of supervening circumstances. Learned counsel has further argued that the instant case is one of false implication on account of the above-said relationship turning sour. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition 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 30.01.2024 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 is in custody since 03.08.2023 and challan already stands presented on 28.10.2023 after completion of investigation. As per custody certificate dated 30.01.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 06 months & is not shown to be involved in any other case. The rival contention of learned counsel for the parties, as to whether the FIR in question is an outcome of a consensual relationship turning sour, will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these submissions, at this stage, lest it may prejudice the case of either parties. Further, no perceptible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Suffice to say, further detention of the petitioner as an undertrial 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 31, 2024
Ajay

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