

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.59453 of 2023
Date of Decision: 04.04.2024

Sabar Ali ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Divya Sharma, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
63	Sadar Ludhiana, District Police Commissionerate Ludhiana	376-D, 342, 328, 354, 323, 420, 406 and 120-B of IPC

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 05.04.2023 on receipt of an information from control room, Ludhiana regarding admission of the victim “M” (name withheld) in Civil Hospital, a police party headed by Inspector Sandeep Kaur reached there and after obtaining opinion of doctor as to fitness of the victim to make statement, recorded her statement who disclosed that her parents had died and after the death of her mother, she had got employment at Municipal Corporation, Ludhiana. From the last two and half years, she was residing at a flat in GSB Apartments, Manakwal. In some of these apartments, the accused Manpreet Singh, his wife Raman,

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one prince son of Kuku aunty and the present petitioner also resided who used to trouble her by visiting her flat. She alleged that once in every month, the accused Manpreet Singh used to come and take her to the office of Municipal Corporation by giving allurements of providing chocolate, kurkure etc. and after getting her signatures done and taking her salary, he used to keep the same with himself. She also stated that from about two years, the petitioner and the abovesaid Manpreet Singh used to make her consume some intoxicating medicines and she was kept confined inside the flat and both the petitioner and accused Manpreet Singh used to commit wrong acts with her while keeping her confined in a room in state of intoxication. She also disclosed that it was only on the last morning that Zone Commissioner Zone-D Mr. Jagdev Singh Sekhon along with some press reporters and police officials had visited her flat and then got her admitted in the Civil Hospital. She prayed for taking action against the petitioner and other named persons.

3. As per allegations, on the basis of her statement, a case under aforementioned sections was registered. Investigation proceedings were initiated. The present petitioner along with co-accused Manpreet Singh and Ramandeep Kaur were arrested on 06.04.2023. They were interrogated and suffered disclosure statement admitting their involvement in the commission of aforementioned offences and also nominated one Deepak Kumar as the person who used to help them in withdrawing the monthly salary of the victim. The statement of victim under Section 164 of Cr.P.C. was got recorded on 03.05.2023 wherein she retracted from the allegations of being subjected to rape that were previously made by her. In their disclosure

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statements, the petitioner and co-accused Manpreet Singh also disclosed that they used to manipulate the attendance of the victim in the record of Municipal Corporation, Ludhiana by the involvement of one Aman Kumar @ Prince and used to pay an amount of Rs.7500/- to the accused Aman Kumar for recording attendance of the prosecutrix though she did not come to work actually and was taken only once in a month to the office of Municipal Corporation for withdrawal of her salary. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the Court of learned ASJ, Ludhiana which had been dismissed vide order dated 21.10.2023.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody almost for a period of one year. In her statement recorded under Section 164 of Cr.P.C., the prosecutrix had stated that no rape was ever committed upon her by any of the accused. Infact, the petitioner was named in the FIR by the victim on instigation of PW-2 Renu Arora who also resided in the same vicinity and was having ill will and enmity with the present petitioner and this fact had been admitted by this witness even in her cross-examination. It is also submitted that no evidence of commission of act of rape with the prosecutrix has come in the medico legal report. The petitioner has also placed on record Annexure P-3 copy of statement of PW-2 Renu Arora as recorded before learned trial Court to

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show that she had admitted that the relations between the petitioner and herself who were residing in the same apartments were not good and even proceedings under Section 107 and 151 of Cr.P.C. were got initiated by her as against the present petitioner and the co-accused Manpreet Singh by lodging a DDR of 31.03.2023. The trial is likely to take time. No useful purpose would be served by keeping him in custody any more and, therefore, it is urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State as per which, the victim had been residing in GSB Apartments in a flat which infact belonged to the co-accused Manpreet Singh and as per the statement recorded by her, the petitioner as well as accused Manpreet Singh used to visit in the apartment of the victim, she was kept confined in the said flat in state of intoxication by some intoxicants that were administered to her by the petitioner and the co-accused and once in a month, the co-accused Manpreet Singh used to take her to the office of Municipal Corporation for the purpose of affixing her signature for withdrawal of her salary. It has not been disputed that in her statement recorded under Section 164 of Cr.P.C., the prosecutrix had stated that none of the accused had committed rape or wrong act with her. However, she is yet to be examined. Learned State counsel has submitted during the course of arguments that the victim had gone missing as her whereabouts are not known. It is also argued that the allegations against the petitioner are quite serious in nature and, therefore, it is urged that he does not deserve to be given concession of bail.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record

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carefully.

7. The claim of the petitioner is that he has been falsely implicated at behest of PW-2 Renu Arora who was having enmity with him. However, despite the fact that PW-2 is shown to have admitted the factum of her having strained relations with the present petitioner, it cannot be stated that the victim had recorded statement as against the present petitioner before the police on behest of PW-2 Renu Arora. No doubt, in her statement recorded under Section 164 of Cr.P.C. (Annexure P-2), the victim had stated that the present petitioner and co-accused Manpreet Singh were sons of her uncle and accused Ramandeep Kaur was her sister-in-law; that all of them were against doing job by her and used to force her to quit the job and that the accused had not committed rape upon her, though they used to beat her when she stayed with them and that the petitioner had even cut her hair thereby making her bald. However, the circumstance that the victim was got released from the flat in which she was kept confined by the accused in a very bad condition, cannot be ignored. It is also very serious circumstance that the victim is not even traceable now and no explanation has come forward on behalf of the petitioner in this regard. The allegations against the petitioner are serious in nature as even if it is presumed that the prosecutrix had not been ravished by him, still they make out a case for showing that the victim had not only been kept confined for over a period of two and half years by him and the co-accused, but was also administered stupefying/intoxicating substances, her modesty was being outraged and further that in connivance with the co-accused, the petitioner and co-accused Manpreet Singh were taking the salary of the victim by manipulating her

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presence in the record of Municipal Corporation in connivance with the other accused. In view of the discussion as made above, I am not inclined to extend benefit of bail to the petitioner. Hence, his plea for bail is rejected. The petition stands dismissed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.04.2024
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(MANISHA BATRA)
JUDGE

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