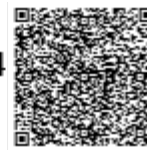




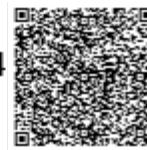
Gurdaspur. It is requested that my marriage took place with Kulwinder Singh resident of Anoop Saher Tetisil and Distt. Pathankot in the year 2005 Out of marriage I have two sons namely Gurwinder Singh and Gurkaran Singh. That accused Munish Kumar who is running a dispensary in 2019 in village Anoop Saher and represent himself as private doctor. That as I use to remain sick and because of that I use to go take medicine from him and use to get my checkup done. That I don't know when accused has clicked the nude pictures of my body in his mobile phone without my consent. Than after that accused started blackmail me and started making physical relations with me by threatening me that in case I disclosed anything anyone than he will upload my nude pictures and video on social media. That because of fear I did not told about this to anyone except my husband but when people of my village came to know about this than due to humiliation, I went to my parental house. That Sandeep Kumar who is brother in law of accused Munish Kumar is currently working in Punjab Police at Pathankot, who is well influential person. That accused and his brother in law by threatening and blackmailing took me to the house of Bachani Devi for rented accommodation at village Awakhan Tehsil Dina Nagar and Distt. Gurdaspur. That since 2020, I am residing in village Awankha till now. That accused Munish Kumar from the very beginning use to tell me that he will marry me as soon as possible as per law after convincing his parent and will not solemnize marriage with anybody else and even I don't having any need to go to my husband Kulwinder Singh. That accused Munish Kumar has even took around Rs 5,00,000/- from me, which I have withdrawn from State Bank having branch, at Nikki Nehar, Malikpur and Sahora Branch, 4 Tola gold, my mobile phone make of Real me company in which I was having recording of threatening to kill me, videos of accused Munish Kumar and Sandeep Kumar for committing rape with me was kept in my mobile phone has



been stolen by Munish Kumar without telling me and started residing with her. And after that also accused Sandeep Kumar resident of Village Paniar, District Gurdaspur use to commit rape with me forcefully. That he use to give rent of Bachani Devi House and spend money on my daily needs. Whenever I stopped him from doing this and enquired about accused Munish Kumar, than accused Sandeep Kumar threat me of dire consequences and use to say that I am concubine of him and accused Munish Kumar. I am having personal links with higher officials you will not able to do anything to me. That earlier also I have given complaint again accused person but nothing has been done on that. It is most humbly requested that legal action be taken against aforementioned accused person in according with law and justice be given to me. I am very thankful to you. Sd/- (Applicant) Simranjeet Kaur D/o Sh. Rumaal Singh C/o Bachani Devi D/o Sh Santokh Raj village Awankha, Tehsil and District Gurdaspur place: Pathankot date: 21/07/2023. From the Sr. Superintendent of Police, Gurdaspur. To No. 4759 Lit dated 18.09.2023 Subject: CRWP No. 8970 of 2023 filed by Simranjit Kaur D/o Ruman Singh R/o village Awankha, Tehsil and District Gurdaspur Vs State of Punjab & Others. Memo:- Please find enclosed copy of order dated 13.09.2023, on the subject cited above. Hon'ble Court of Mrs. Justice Nidhi Gupta disposing the petition mentioned in the subject, directed that respondent No.2- Sr. Superintendent of Police, Gurdaspur to forthwith consider the grievances (s) raised by the petitioner in the aforesaid representation (s) and take action thereupon as he deems fit, in accordance with law, within a period of 06 months from the date of receipt of certified copy of this order". You are hereby directed to look into the representation and implement the direction of the Hon'ble High Court as accordance with law and send report within 10 days. 396-R-DSP-CAW 23-9-23 DSP- CAW Sd/- Superintendent of Police Gurdaspur. The aforesaid complaint



was marked for enquiry to DSP Crime against Women & Children Gurdaspur and the enquiry report reads as under:- Sir above mentioned complaint was submitted by Simranjit Kaur daughter of Rumal Singh resident of Awankha against Munish Kumar son of Madan Lal resident of Kathloh and Sandeep Kumar son of Baldev Raj resident of Paniyar for forcibly committing rape upon her. With regard to enquiry of the complaint, both the sides were joined in the enquiry and their respective pleas were heard and statements recorded, which are attached herewith. During the course of enquiry, complainant Simranjit Kaur has got recorded in her statement that my marriage was solemnised with Kulwinder Singh resident of Anul Sehar, District Pathankot in the year 2005 and we are having two sons out of the said marriage. Munish Kumar, who was working in the dispensary of Anup Sehar in the year 2019 claimed himself to be a private doctor. That since I used to remain ill, I was getting medicine from Munish Kumar and get myself checked-up. During this, Munish Kumar without informing me clicked my nude photographs with his mobile phone and later he started blackmailing me and also started maintaining physical relations with me. He threatened me that in case I would complaint against him he would viral my photos on social media. Out of fear I did not disclose about this to anyone, but when the villagers came to know about this, I went back to my parental home out of shame. Brother-in-law (Jija) of Munish Kumar, who is serving in Pathankot Police under threat brought me to the house of Bachni Devi resident of Awankha as a tenant. That ever since 2020, I was residing in Village Awankha. From the very beginning, Munish Kumar was telling me that very soon, he would introduce me to his parents and thereafter, solemnise marriage with me and therefore, I do not need to go back to my husband Kulwinder Singh. Munish Kumar also took from me a sum of approximately Rs.5.00 lacs after withdrawing the same from



State Bank, Branch Malikpur and he also committed theft of about 4 tolas of gold and my mobile without informing me. In the month of May, Munish solemnised marriage without one Nancy resident of Village Baknor without informing me in this regard. After Sandeep Kumar continued to forcibly commit rape upon me and also extend threats of elimination. It has been informed by Munish Kumar son of Madan Lal resident of Raipur, PO Kathloh, P.S. Taragarh that in the year 2019, I was running an RMP doctor shop in Anup Shahr, Tehsil Pathankot. On that shop, I became acquainted with Simranjit Kaur wife of Kulwinder Singh resident of Anup Shahr, who used to come at my shop to get medicine. During this we became acquainted with each other. Simranjit Kaur was already married and she is having two kids. She was issuing threats of elimination to me and used to ask me to take her somewhere else. Under threat, she came alongwith me to Awankha and started residing there on her own. Whenever I used to ask her to seek divorce from her husband, she used to make excuses and in this way, she did not take divorce from her husband for four years. Simranjit Kaur used to quarrel with me and use casteist remarks towards me. On account of this reason, on 21.05.2023, I solemnised marriage with Nancy daughter of Kala resident of Baknor and spending my happy married life. I may be given justice. Sandeep Kumar son of Baldev Raj resident of Paniyar, P.S. Dinanagar got recorded in his statement that I am serving in Punjab Police as Class IV employee and posted at Police Line, Pathankot. That the complaint submitted by Simranjit Kaur daughter of Rupal Singh resident of Awankha against me, with regard to the same, I hereby state that Simranjit Kaur was in relation with my brother-in-law Munish Kumar. Simranjit Kaur was already married. I made a phone call to her and advised her to join back the company of her husband. My in-laws family has now disinherited Munish Kumar from their movable and immovable properties. He is staying away at some undisclosed



place. I never uttered bad towards Simranjit Kaur. She is submitting these false complaints to harass us, which are attached herewith. Finding Report: From the enquiry conducted by me and perusal of statements recorded and the documents produced, it has been found that marriage of complainant Simranjit Kaur daughter of Rimal Singh resident of Awankha was solemnised in the year 2005 with Kulwinder Singh resident of Anup Sehar, District Pathankot and from their wedlock, they are having two sons. As per the statement of the complainant Simranjit Kaur, in the year 2019, Munish Kumar was working at a dispensary in Anup Sehar and used to project himself as a private doctor. Complainant used to visit him for treatment as she used to remain ill. Munish Kumar without informing her clicked her nude photographs with mobile phone and later he started blackmailing her and thereby established physical relations with her. Since 2020, they started residing together in Awankha. From the very beginning, Munish Kumar used to tell her that he would solemnise marriage with her very soon as per law and would not solemnise marriage with anyone else. He also withdrew a sum of Rs.5.00 lacs from her State Bank, Branch Malikpur and Sihora Branch and also stole her four tolas of gold and one mobile phone. As per statement of Munish Kumar son of Madan Lal resident of Raipur, P.O. Kathlaur, P.S. Taragarh, in the year 2019, he had opened a RMP doctor shop in Village Anup Sehar, Tehsil Pathankot. During the said period, Simranjit Kaur wife of Kulwinder Singh, resident of Anup Sehar became acquainted with him. Simranjit Kaur was already married and was having two kids. She was giving him threats of suicide and used to instigate her to take him somewhere else. At this, Simranjit Kaur after leaving her children came alongwith him to Awankha and both started residing there. However, whenever he used to ask her to seek divorce from her husband, she used to postpone the matter and in this way, she did not take divorce from her husband for 4



years. Left with no alternative, he married with one Nancy daughter of Kala resident of Baknor on 21.05.2023. During the course of enquiry, complainant could not produce any concrete evidence with regard to Munish Kumar taking Rs.5.00 lacs and stealing her 4 tolas of gold and mobile phone, nor she could produce any evidence in support of her allegations against Sandeep Kumar son of Baldev Raj resident of Paniyar. Munish Kumar in his statement has admitted that they were having acquaintance with each other. Simranjit Kaur was already married with two kids, who used to ask him to take her somewhere else. She pressurised him and after leaving her kids she on her own started living in Awankha with him. However, whenever he used to ask her to seek divorce from her husband, she used to make excuse. During the course of enquiry, it is found that Munish Kkumar son of Madan Lal resident of Raipur Kathlaur, P.S. Taragarh and established physical relations with Simranjit Kaur while extending false promise of marriage. As such, if approved, it is recommended to register FIR against Munish Kumar at P.S. Dinanagar after obtaining legal opinion and thereafter investigate the matter as per law. Report is submitted please. Sd/- Deputy Superintendent of Police, Crime Against Women and Children, Gurdaspur/11.01.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.05.2024. Learned counsel has further argued that there was consensual friendship between the petitioner and the victim which turned sour later on due to supervening circumstances and it is on this account that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that, when the victim was summoned as a prosecution witness for 22.10.2024 before the trial Court, an application for exemption was filed on her behalf which



was allowed. Thereafter, on 11.11.2024 as well, the victim did not turn up to have her statement recoded. 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 12.11.2024 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 07.05.2024 whereinafter investigation was carried out and challan stands presented on 04.08.2024. Total 17 prosecution witnesses have been cited out of which only one has been examined till date. It is thus indubitable that culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question, whether there was consensual relationship between the petitioner and the victim which turned sour later on & as to whether the petitioner has been falsely implicated into the FIR in question on account of such relationship turning sour; 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 has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.



A perusal of the orders dated 22.10.2024 as also 11.11.2024 passed by the trial Court go on to indicate, to some extent at least, that the victim is not coming forward to have her testimony recorded.

As per custody certificate dated 12.11.2024 filed by learned State counsel, the petitioner has suffered incarceration for a period of 06 months and 04 days & 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.



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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

14.11.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No