

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-57245-2024

DATE OF DECISION: 25.11.2024

ARSHDEEP SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Bhalla, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Abhishek Sahu, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of Bhartiya
Nagarik Suraksha Sanhita 2024 with a prayer for grant of concession
of anticipatory bail to the petitioner in FIR No.17 dated 2.3.2024 under
Sections 341, 328, 323, 34 (Later on added Section 376 on 30.5.2024)
of the Indian Penal Code, 1860 registered at Police Station Mehna,
District Moga.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘Statement of Neetu @ Pinky, Daughter of Charan Singh, Son of Niranjana Singh, resident of Jeewan Singh Nagar, Street No. 6, Ward No. 3, Kotkapura, currently residing near Sweet Dhodda, opposite Street No. 2, Kotkapura, District Faridkot, age approximately 25 years, Mobile Number 98729-87355. It is



stated that I am resident of the aforementioned address and comes from a family of five siblings. I have three sisters and two brothers and am the eldest. My father works as a labourer, and my mother is often unwell. I got married about seven years ago, in 2017, to Amritpal Singh, son of Chamkaur Singh, resident of Bathinda. We had children together, but due to differences, we separated through mutual agreement by the Women's Council in Bathinda. Due to the challenge of raising my two children, I came to the Moga bus stand in search of work. There I met Arshdeep Singh, son of Pavittar Singh, resident of Bhindarkalan Patti Sariya, District Moga, whose mobile number is 96531-04152. Seeing me standing there, he invited me into the bus station and asked where I was from, and eventually took my mobile number. I then returned to my home in Kotkapura. Later, I spoke to Arsh on the phone as friends over the course of 10-15 days, during which he mentioned that he owned a hotel at Darshan Bughhipura Chowk and offered me a job as a manager at the hotel. I accepted the offer and started working as a manager at Darshan Hotel upon Arshdeep's request. After working there for about a month, Arshdeep proposed marriage to me, and, trusting him, I began residing at the hotel. During this time, he persuaded me and established a physical relationship. At one point, I mentioned a headache to Arshdeep, and he gave me a pill, saying it would relieve my pain. He obtained this pill from his friends Gary and Harman, who were also present in the room. After taking the pill, I lost consciousness. When I woke up, I found my clothes removed and observed that Arshdeep, Gary, and Harman were in the room with me. After the incident mentioned earlier, I questioned Arshdeep, Gary, and Harman about my condition, but they laughed at me and blackmailed me. They threatened to upload my video on the internet if I did not comply with their demands for physical relations with other people. Out of fear, I complied and engaged with different individuals as directed by them.



During this time, Arshdeep continued to have relations with me daily, and I became pregnant twice. Arshdeep, along with his friends Gary and Harman, then gave me an abortion pill mixed in a drink, forcing me to terminate the pregnancies. Later, on February 5, 2024, they physically assaulted me, prompting me to call the 112 helpline to report the situation, leading to a settlement. Arshdeep promised to marry me, but eventually, Arshdeep, Gary (alias Gagan), and Harman began threatening me again, saying they would either kill me or force me to leave the hotel and return to my home in Kotkapura. On February 25, 2024, around 10 AM, a person named Balwinder Singh informed me that Gary (alias Gagan) had filed a complaint against me at the police station and that I should be present there by 4 PM. I went to the police station as requested, where Arshdeep and Harman arrived, leading to a heated argument between them. I later returned to Darshan Hotel, but they followed me and continued the confrontation. When I tried to escape, they called a man named Sukh to assist them in physically assaulting me at the hotel. They turned off the hotel cameras, took my phone, and grabbed my purse, which contained about 15,000 rupees and keys to my cupboard. They stole approximately 1,00,000 rupees from my cupboard and forcefully fed me phenyl. My friend Karamjit Kaur arrived at the scene, witnessing the situation and causing the attackers to flee. Karamjit arranged for my transportation to the Civil Hospital in Moga, where I was admitted from February 25, 2024, to March 1, 2024. After being discharged by my own request, I stayed with my friend Karamjit Kaur at her home. On March 2, 2024, I appeared at the police station to give my statement, which was read, heard and agreed upon as accurate. I seeks justice and appropriate action.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that addition of Section

376 after about 88 days of the registration of the FIR has been done to put



pressure and extract money from the petitioner and others, however, he has argued that in fact the matter has been compromised and there is no dispute left qua the money which was the cause of raising false case against the present petitioner

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer submits that he did not have any instructions qua compromise but has opposed the prayer for grant of bail stating that investigation is underway.

On behalf of the complainant

Learned counsel for the complainant would also submits that he will have no objection in case the present petitioner is extended concession of anticipatory bail since the matter has been compromised and did not dispute the document i.e. Panchayati compromise (Annexure P-2).

4. **Analysis**

Apart from the submissions made by counsel for the State and counsel for the complainant, there is no opposition to the extension of the relief of anticipatory bail by them at this stage. Hence, this Court without going further into the merits of the case wherein the veracity of the truth is under doubt, particularly when the complainant has admittedly entered into the compromise which is taken on record as Annexure P-2, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for



furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation



within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.11.2024
anuradha

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