

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-63199-2023 (O&M)
Date of Decision: 30.01.2024

MANISH ALIAS LADDI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. G.S. Dhot, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

Mr. Krishan Singh, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.89 dated 07.11.2023 registered under Section 376 of the IPC at Police Station Dhakoli, District SAS Nagar, Mohali.
2. The allegations against the petitioner are that the petitioner used to have conversation with the complainant through whatsapp call and they used to discuss to start a boutique work in partnership in Ambala. In November 2021, the petitioner came to India from Germany. Thereafter, the petitioner and complainant continued talking to each other through whatsapp call. The complainant told her husband that she is going to start a partnership business with the petitioner. On 19.10.2023, the petitioner made a phone call to the

complainant and told that he has come to India. On 04.11.2023, the petitioner and the complainant went together in a car and complainant asked the petitioner to stop the car as she was having headache. The petitioner did not stop the car rather the complainant was taken to a hotel and the petitioner committed rape upon her after making her administer some capsule.

3. Learned counsel for the petitioner further contends that the petitioner had joined the investigation in pursuance to the order dated 15.12.2023 passed by this Court.

4. On 15.12.2023, following order was passed:

“Inter alia contends that the allegations against the petitioner regarding the commission of the offence under Section 376 IPC are totally false. The story prompted by the complainant is highly improbable.

It is contended that the present case is an instance of honey trapping in which the complainant and her husband in furtherance of the conspiracy targeted the petitioner considering that he lives abroad and money can be extracted from him. In fact on 04.11.2023, the petitioner was called by the complainant at the bus stand and she insisted for going to a hotel and they stayed there for about one hour from 01:34 p.m. to 02:53 p.m. and during this period, the complainant received many calls from her husband. Thereafter, the petitioner had dropped the complainant at the bus stand at about 03:15 p.m. The complainant demanded a sum of `5,00,000/- from the petitioner and when the petitioner did not fulfill the illegal demands, the FIR was registered with the delay of 03 days.

The call details of the complainant with her husband can be verified to falsify the claim of the petitioner that she fell asleep during that period. In fact the complainant was in friendly terms with the petitioner since the year 2021 and they were in contact with each other on 'WhatsApp', chats and calling. The petitioner used to transfer some amount in the accounts of the complainant from Saudi Arabia through UPI transactions (Annexures P-2 to P-4). He is only working as a driver in Saudi Arabia. The complainant was not aware of this fact and she assumed that he might bring a huge money, as such, has a conspiracy to honey trap the petitioner with an intention to grab money. The petitioner is ready to join the investigation.

Notice of motion.

Having received advance copy of the petition, Mr. Sarabjit Singh Cheema, D.A.G., Punjab, accepts notice on behalf of the respondent and prays for time to file reply.

Adjourned to 15.01.2024.

In the meanwhile, the petitioner is directed to join

investigation within one week and in that event he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate and he shall not leave India without the prior permission of the Trial Court/CJM concerned.”

5. Learned counsel appearing on behalf of the respondent-State on instructions from SI Balwinder Singh confirms that the petitioner has joined investigation in compliance of the order dated 15.12.2023 passed by this Court, however, opposes the bail on the ground of gravity of allegations against the petitioner.

6. Learned counsel for the complainant opposes the bail petition on the ground of gravity of allegations against the petitioner.

7. The petitioner is married having 3 children. The petitioner and the complainant were in conversation for a long time. The allegations by the complainant and the counter allegations by the petitioner is a matter of trial. In compliance of the order dated 15.01.2024 passed by this Court, the petitioner had surrendered his passport before CJM, SAS Nagar. This fact has been confirmed by the learned State counsel.

8. Keeping in view the reasons recorded in the order dated 15.12.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 15.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

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10. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30.01.2024

P.Bhatt

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