



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.59398 of 2024
Date of decision : 3.12.2024

Jagdev Singh alias Jagdev Singh DhaliwalPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. A.S. Sekhon, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.61 dated 3.8.2024, under Sections 376 and 406 of the IPC, registered at Police Station Mehna, District Moga.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Application no.2784-PC-4/23 dated 11.07.2024 To, Hon'ble Senior Superintendent of Police, Moga. Sub: Application for taking legal action against Jagdev Singh son of Angrej Singh Resident of Guru Ramdas Nagar, Near Nestle Dairy, Moga, Tehsil and District Moga (Mob.No.82890-55309) regarding making physical relations with the applicant on the pretext of marriage and cheating the applicant of about Rs.9 lakhs and gold. Sir, it is requested that I Paramjeet Kaur daughter of Ajmer Singh am resident of Village Mehron, Tehsil and District Moga. That earlier I was married and from said marriage I am having one son



namely Karanvir Singh (aged about 14 years). I have taken divorce from my husband in the year 2018 and since that period, I was residing in my parental house. My father is retired teacher and he is also associated with Kisan Union. In the year 2020, during Kisan Movement, Jagdev Singh being associated with Kisan Union used to visit our house and in-between Jagdev Singh become my friend and we started talking with each other. Accused told me that he is still unmarried and looking for good match for him and also showed his willingness to marry with me. Thereafter, we used to meet with each other and in the meantime, accused has developed physical relations with me on the pretext to perform marriage with me. Thereafter, accused told me that he is in need of some money for the construction of his new house and after that I have paid Rs.2,00,000/- cash to accused and also transferred some other amount through google pay on different dates. Accused has also obtained Rs.7,00,000/- from my father, some of which were given by my father in cash and some through bank to the accused on different dates. Whenever I asked the accused to marry with me, then the accused postponed the matter on the one pretext or the other and stated that as and when construction of his house will be completed and after that he will solemnize marriage with me. Some time ago, I was shocked when I came to know that accused is already married and when in this regard, I have talked with the accused, then accused assured me that he will solemnize marriage with me after taking divorce from his wife. Thereafter, I was in need of money and I have demanded my money back from the accused, but the accused postponed the matter on the one pretext or the other. Afterwards, the accused has flatly refused to solemnize marriage with me. And he started saying that "I had to physically exploit you and cheat you, I have done that, now you can do whatever you want" and when I asked for my money back the accused started telling me that "I have links with goons and I will ask them to kidnap your children and get you killed too and because of my good relations with political leaders and high police officials, you cannot do anything to me". That now my life and property are in danger and the culprit can harm me at any time. Hence it is prayed that legal action may please be taken against accused Jagdev Singh regarding making physical relations with the applicant on the pretext of marriage and cheating the applicant of about Rs.9 lakhs and gold ornaments. And Rs.9 lakh and gold jewellery which were fraudulently taken from the applicant by the accused



should be returned and the life and property of the applicant should be protected and justice be delivered to her. Thanking you, Sd/ Paramjeet Kaur daughter of Ajmer Singh am resident of Village Mehron, Tehsil and District Moga. Mob. No.76580- 14914 dated 11.07.2023. On receipt of the above application before Hon'ble SSP Sahib Moga, it was marked by SSP Moga to Deputy Superintendent of Police Sub Division Moga for investigation. Upon which DSP (SD) Moga wrote in his inquiry report no.2784-PC-4/23 dated 26.10.2023 that in relation to the investigation of the applicant, the persons who appeared from both the parties were questioned and their statements were recorded after obtaining the records. After questioning of the persons who appeared, and after reading the records obtained and the statements recorded, it has been found that after the divorce of the applicant Paramjit Kaur daughter of Ajmer Singh Resident of Mehron from her husband Jagjivan Singh resident of Khurd, District Sangrur, she was living with her son Karanveer Singh in her maternal house in Meharon with her parents. In the year 2020, Jagdev Singh son of Angrez Singh resident of Guru Ramdas Nagar, Moga, while visiting the house of applicant Paramjit Kaur's father Ajmer Singh, Paramjit Kaur got acquainted with Jagdev Singh above mentioned and Jagdev Singh expressed his desire to marry Paramjit Kaur. In this regard, after the consent of the parents of the applicant Paramjit Kaur, Paramjit Kaur and Jagdev Singh started visiting together for household work and Jagdev Singh has been taking the lead in the work of applicant Paramjit Kaur's son's birthday and other programs and has also been getting family photographs taken etc. At that time, Jagdev Singh came to know that Paramjit Kaur's family has been convinced by his words and trusts him completely.

Jagdev Singh, on the pretext of getting the applicant Paramjeet Kaur married, took her to a house in village Daala and to different hotels on different dates and kept having physical relations with her without her consent. In relation to which, the record of paying the rent of these hotels has been presented. During this, Jagdev Singh told the applicant Paramjeet Kaur that a false case has been filed against her and she needs money to pursue the case, on which it has been stated that the applicant Paramjeet Kaur, trusting Jagdev Singh, gave her two gold chains, a gold bracelet, a gold bangle and a gold ring to Jagdev Singh. When Jagdev Singh demanded money for personal use from Paramjeet Kaur's father



Ajmer Singh, Ajmer Singh beat her with a knife on 27th. It has been confirmed that on 10.02.2022 Rs. 50,000/- was transferred from his account number 912010051506376 of Axis Bank Branch Mehar and Rs. 46,000/- was transferred by Paramjit Singh through Google Pay to the account of Jagdev Singh on different dates. At the time of purchase of plot in Moga by Jagdev Singh in the month of February 2023, Paramjit Singh's father Ajmer Singh has been confirmed to have transferred Rs. 4,00,000/- from his above mentioned Axis Bank account dated 15.02.2023 and Rs. 2,50,000/- from his account number 30348580447 of State Bank of India. branch main bazaar Moga to Jagdev Singh's Punjab National Bank account on 27.02.2023. Apart from this, it has also been recorded that Jagdev Singh have taken about Rs.2 lakh in cash from applicant Paramjit Kaur and her father Ajmer Singh on different dates. After receiving the above money from the applicant party, Jagdev Singh purchased a plot in Guru Ramdas Nagar Moga on 28.02.2023 and got it registered, on which Jagdev Singh got Paramjit Kaur's father Ajmer Singh to appear as a witness. After Jagdev Singh purchased the plot, when Paramjit Singh told Jagdev Singh about getting married, the respondent Jagdev Singh stopped talking to the applicant Paramjit Kaur. When the applicant Paramjit Kaur got suspicious, Paramjit Kaur investigated and found out that Jagdev Singh was already married. When Paramjit Kaur talked to Jagdev Singh about this, Jagdev Singh told Paramjit Kaur that his relationship with his wife is not good, due to which he will soon divorce his wife and marry the applicant. When the applicant demanded his Rs. 9,46,000/- and about 08 tolas of gold ornaments from respondent Jagdev Singh, Jagdev Singh returned Rs. 1,49,000/- to the applicant party through the account of applicant's father Ajmer Singh on different dates and kept on making excuses for returning the remaining Rs. 08 lakhs and about 08 tolas of gold. On 23.05.2023, Jagdev Singh took applicant Paramjit Kaur to Arman Hotel Moga and had physical relations with her there without Paramjit Kaur's consent. Later, Jagdev Singh flatly refused to return about Rs.08 lakhs and about 08 tolas of gold from the money obtained under the pretext of marrying the applicant and keeping them in confidence. The facts came in the light during the inquiry: (i) Respondent Jagdev Singh was found to have taken the applicant Paramjit Kaur to a house in village Dala and to different hotels on different dates on the pretext of marrying her and had physical relations with her without her



consent. (II) Respondent Jagdev Singh has been found to have taken the applicant Paramjit Kaur and her father Ajmer Singh into confidence and obtained from them about Rs. 9.5 lakh and about 8 tolas of gold jewellery on different dates. (III) When the applicant demanded her money and gold jewellery back from Jagdev Singh, he refused to marry the applicant.

Conclusion: Due to divorce of applicant Paramjit Kaur daughter of Ajmer Singh from her husband, she along with her child Karanveer Singh is staying with her parents in her maternal house in village Meharon. Jagdev Singh had become acquainted with Paramjit Kaur's maternal family on a family level and he has been actively participating in all their programs and activities. Due to which Paramjit Kaur's family has complete trust in him. Jagdev Singh told Paramjit Kaur's family that he is still single and wants to get married to Paramjit Kaur, on which Paramjit Kaur and her family got convinced by Jagdev Singh's words and both of them started visiting each other together. Jagdev Singh, on the pretext of getting Paramjeet Kaur married, took her to different hotels and had physical relations with her without her consent. And by taking Paramjeet Kaur's family into confidence, he has been found to have taken about Rs. 9.5 lakhs and about 8 tolas of gold jewellery from Paramjeet Kaur and her father Ajmer Singh on different dates. When applicant Paramjit Kaur demanded her money and jewellery from Jagdev Singh, Jagdev Singh returned only Rs. 1,49,000/- from the total amount on different dates and refused to return the remaining amount of Rs. 8.5 lakh and about 8 tola gold jewellery. Jagdev Singh deceived Paramjit Kaur and her family by taking them into confidence and taking Rs. 9.5 lakh and about 8 tola gold jewellery from them and returning Rs. 1,49,000/- and not returning the rest of the money and jewellery. He was found to have made physical relations with applicant Paramjit Kaur without her consent for about 3 years by luring her to marry him. Recommendation: If permitted, the SHO of Police Station Mehna should be directed to register a case against Jagdev Singh under section 376/406 IPC and start the investigation and if during the investigation any other evidence of comes to light and case file, then action should be taken accordingly. Report is being produced. Sd/ D.S.P., SD, Dharamkot. On receipt of the above said inquiry report before Hon'ble SSP Sahib Moga, it was marked by SSP Moga to Deputy District Attorney Legal Moga for giving legal opinion. Upon which DDA (L), Moga wrote in his report no.243-R,DDA/L dated 04.11.2023 that in



relation to the applicant no.2784-PC-4/23 dated 26.10.2023 given by Paramjeet Kaur daughter of Ajmer Singh Resident of Mehro, District Moga and the annexed documents have been read by me carefully. On the basis of facts mentioned in the inquiry report offence U/s 376/406 IPC are made out against Jagdev Singh son of Ajmer Singh Resident of Guru Ram Dass Nagar, Moga. In my opinion, a case should be filed against Jagdev Singh under section 376/406 IPC at Police Station Mehna and a deep investigation should be carried out. Opinion is being submitted for approval. Sd/- DDA (Legal) Moga dated 04.11.2023. On receipt of the inquiry report of application and legal opinion in S.S.P. Office, Moga, S.S.P. Sahib Moga wrote that "SHO Mehna to register FIR & investigate" Sd/ Sr. Supdt. of Police Moga dated 02.08.2024.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.8.2024. Learned counsel has further argued that there was consensual relationship between the petitioner and the victim which turned sour later on and thus the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner is a man aged 38 years whereas the victim/complainant is a lady aged 36 years and thus, it cannot be said that the complainant was a gullible victim. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by 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 01.12.2024 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 3.8.2024 whereinafter



investigation was carried out and challan was presented on 2.10.2024. Total 19 prosecution witnesses have been cited and the charges are yet to be framed in the trial. It is, thus, indubitable, that culmination of 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 the petitioner and the victim were in consensual relationship which turned sour later on and on account of which the petitioner has been falsely implicated into the FIR in question; 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. As per custody certificate dated 01.12.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of three months and twenty-six 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/Illaqa 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.

(SUMEET GOEL)
JUDGE

3.12.2024
Ashwani

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