

2025:PHHC:076268



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

**CRM-24142-2025 in/and
CRM-M-32348-2025
DECIDED ON: 17.06.2025**

PRABHJOT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Mohan Gupta, Advocate
for the petitioner.

Mr. Sandeep Singh, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

CRM-24142-2025

This is an application under Section 528 of BNSS for impleading the complainant as respondent No.2.

For the reasons mentioned in the application as well as submissions made by learned counsel for the petitioner, the application is allowed.

Complainant namely Ms. Jaswinder Kaur d/o Lakhveer Singh, is arrayed as respondent No.2 in the memo of parties.

Amended memo of parties is taken on record.

CRM-M-32348-2025

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.114, dated

29.04.2025, under Section 376 of IPC, registered at Police Station Phase-I, Sas Nagar, Mohali.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

"Today, an application No. P.G.D. 514918 dated 24.1.2025, filed by Jaswinder Kaur daughter of Lakhvir Singh, resident of Village Biradwal, District Patiala, presently residing in Lucky P.G., Village Shahi Majra, Mohali, District S.A.S. Nagar has been received at Police Station through the office of Senior Superintendent of Police, S.A.S. Nagar for registration of F.I.R., contents of which are as follows, "To The Senior Superintendent of Police, S.A.S. Nagar (Mohali). Subject: Application against Prabhjot Singh, resident of House No. 288, Shivpuri Colony, Near Chowk 66 K.V., Nabha, District Patiala, Mobile No. 9888808897 for committing physical abuses by alluring on the pretext of performing marriage, committing fraud and against his father Swaranjit Singh, Mobile No. 9592472892, Kiranpreet Kaur, mother, Mobile No. 7719770594, Komal Preet Kaur, sister, Mobile No. 7986222357, for giving threats to kill me & my family members. Sir, it is humbly requested that I, Jaswinder Kaur daughter of Lakhvir Singh, is presently residing in Lucky Building, Village Shahi Majra, Mohali, Tehsil & District S.A.S. Nagar. That I am doing private business at Mohali. Said Prabhjot Singh resident of Nabha, District Patiala, Mobile No.9888808897 came into my contact about five years back through one of my friend. He initiated friendship between us. He is serving in Army, bearing No. 19013190. Whenever he used to come on leave, he used to come to meet me. Our affair continued for about five years. He often used to propose me for marriage and in this way, he allured me and committed my physical abuse for about five years. Now, when I asked him to perform marriage, he flatly refused to my. The said application further marked by the Senior Superintendent of Police, S.A.S. Nagar to the S.H.O., Police Station City, Kharar for conducting enquiry, who submitted his enquiry report as follows, "Police Station City, Kharar, District S.A.S. Nagar. No.69/5- C/City Kharar Date: Subject: Enquiry report in application No. P.G.D. 514918 dated 24.1.2025, filed by Jaswinder Kaur daughter of Lakhvir Singh, resident of Village Biradwal, District Patiala, presently residing in Lucky P.G., Village Shahi Majra, Mohali, District S.A.S. Nagar. Sir, The above numbered application, filed by Jaswinder Kaur daughter of Lakhvir Singh, resident of Village Biradwal, District Patiala, presently residing in Lucky P.G., Village Shahi Majra, Mohali, District S.A.S.

Nagar, has been received for conducting enquiry, contents of which are as follows, "To The Senior Superintendent of Police, S.A.S. Nagar (Mohali). Subject: Application against Prabhjot Singh, resident of House No. 288, Shivpuri Colony, Near Chowk 66 K.V., Nabha, District Patiala, Mobile No. 98888 08897, for committing physical abuses by alluring on the pretext of performing marriage, committing fraud and against his father Swaranjit Singh, Mobile No. 95924 72892, Kiranpreet Kaur, mother, Mobile No. 77197 70594, Komal Preet Kaur, sister, Mobile No. 7986222357, for giving threats to kill me & my family members. Sir, It is humbly requested that I, Jaswinder Kaur daughter of Lakhvir Singh, is presently residing in Lucky Building, Village Shahi Majra, Mohali, Tehsil & District S.A.S. Nagar. That I am doing private business at Mohali. Said Prabhjot Singh, resident of Nabha, District Patiala, Mobile No.98888 08897 came into my contact about five years back through one of my friend. He initiated friendship between us. He is serving in Army, bearing No.19013190. Whenever he used to come on leave, he used to meet me. Our affair continued for about five years. He often used to propose me for marriage and this way, he allured me and committed my proposal and even got performed his engagement without giving me any intimation whatsoever and now, is going to perform marriage with someone else. He is giving threats to kill me & my family members. When I brought this matter to Prabhjot Singh's father Swaranjit Singh, Mobile No. 9592472892, Kiranpreet Kaur, mother, Mobile No.7719770594 & Komal Preet Kaur, sister, Mobile No.7986222357 regarding said fraud, they also started giving me threats of elimination, whereas, they were fully aware about our affair and they used to say that we will get performed your marriage by January, 2025. But now, they all have also resiled from their own commitment. Hence, they have also committed fraud with me. Said Prabhjot Singh used to make me wear Churha and bring me to his relatives. I approached his said relatives, who also started using filthy language for him. Said Prabhjot Singh committed my physical assault in forcible manner. Whenever, I used to resist his act, he started saying that we are going to perform marriage, so you may not worry, on which, I kept mum. Now, he is telling lie to the effect that his family members are pressurizing him to marry with someone else. He has earlier told me that he will perform court marriage with me on 20.1.2025. Then he started saying that he will perform marriage on 22.1.2025. I believed him, got applied Mehndi and made all other arrangements & engaged Ld. Counsel as well by paying fee, but now, he is fleeing. So, justice may be provided to me. Said Prabhjot Singh may be terminated from service and stern legal action may be taken against all his family members for committing fraud and giving

*threats of elimination. I would be thankful to you. Thanking you,
yours faithfully Sd/- Jaswinder Kaur daughter of Lakhvir Singh,
presently residing in Lucky Building, Village Shahi Majra, Mohali,
Tehsil & District S.A.S. Nagar. Mobile No. 7986247461.
Date: 24.1.2025"*

3. **Contention**
On behalf of the petitioner

Learned counsel for the petitioner submits that the FIR in question is based on false and baseless allegations, and has been lodged with a *malafide* intent to harass the petitioner and his family members. It is contended that no specific act, date of occurrence, or detailed allegation has been mentioned in the FIR, except a vague and unsubstantiated claim that the petitioner visited the complainant at Mohali on 18.01.2025 and made a false promise to marry her on 22.01.2025.

It is further submitted that this allegation is patently false, as during the entire month of January 2025, the petitioner serving in Army and present in his unit at Gurdaspur, thereby making it impossible for him to visit the complainant on the alleged date.

It is also submitted that the petitioner has never had any physical relationship with the complainant, and the allegations to that effect have been made solely with ulterior motives and the intent to malign his reputation and defame his family. In fact, both were friends for the last five years or so and it was the complainant who had, from time to time, sought financial assistance from the petitioner under the pretext of friendly loans since the year 2022. The petitioner had transferred on various occasions small amounts, which were approximately Rs. 2 lakhs, in the account of the complainant. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

Mr. Davinder Kumar, Advocate has put in appearance on behalf of respondent No.2 and filed his *vakalatnama*, which is taken on record.

Learned State Counsel, assisted by learned counsel for the complainant, opposes the prayer made by learned counsel for the petitioner, contending that physical relations of the complainant with the petitioner stands established from the fact that she conceived on two occasions and got the fetus aborted with the help of an abortion kit allegedly provided by the petitioner. Therefore, submits that custodial interrogation of the petitioner is required to unearth the truth.

4. **Analysis**

From the discussions, it can be culled out that the petitioner was present at his unit at the relevant time and no iota of evidence has been produced by the prosecution before this Court as of now to connect the petitioner with the alleged offence, since no medical is available on record to show that the petitioner has committed rape with the complainant.

This Court is also sanguine of the fact that in order to establish the commission of the alleged offence, which is a matter of trial, this Court does not deem fit it appropriate to send the petitioner behind bars, wherein he has *bona fide* intentions, who is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.06.2025

Meenu

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