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

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Date of Decision:- 17.02.2025

Tarun Singh Saharan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.P.S.Sidhu, Advocate for petitioner.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Rajnish K.Gupta, Advocate and
Mr. Sachin, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioner Tarun Singh Saharan has filed petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.0027 dated 18.03.2022, under Sections 376, 420, 506 of IPC, 1860, registered at Police Station Phase-8, SAS Nagar.

2. As per facts of the case, FIR has been registered on the statement of victim 'S' aged about 33 years against present petitioner on the basis of written complaint alleging that in the year 2018, she got friendly with Tarun Singh Saharan and their relationship grew stronger and it continued till February 2020. They were on visiting terms and shared good relationship. He assured to marry her and maintained physical relations with her. She was taken to expensive hotels. After February 2020, he started avoiding her and stopped responding to her calls. In May 2024, on the death of father of Tarun Singh Saharan she called him, but his behaviour was rude



and also abused her. Finally, the victim left her job. She lost her friend circle and her family was broken. She was physically and mentally tortured.

3. Learned counsel for petitioner argued that arrest of present petitioner was stayed vide order dated 13.05.2022 and he was granted interim bail subject to the conditions envisaged under Section 438(2) Cr.P.C. vide order dated 15.12.2022. As a result, he has already joined the investigation. Challan is also presented in this case. However, victim 'S' did not step into witness box to prove her version. He is appearing before learned trial Court and is ready to abide by the terms and conditions of bail order. Therefore, interim bail already granted in his favour may be confirmed.

4. Bail petition is opposed by learned counsel representing complainant and he also filed written reply. It is pointed out that petitioner is a habitual offender. Allegations against him are serious. The complainant is facing serious threat from the hands of present petitioner and for this reason, she has not appeared in the trial Court. Considering the gravity of offence, petitioner is not entitled to be released on anticipatory bail.

5. Learned counsel representing State confirmed that petitioner is also involved in another FIR No.14 dated 04.01.2022, under Sections 354-A, 354, 506, 509 of IPC, registered at Police Station Anand Vihar, New Delhi. In pursuance of order dated 13.05.2022, petitioner along with his counsel joined the investigation and produced two mobile phones which were taken into police possession. However, the allegations against him are serious in nature.

6. I have considered the arguments and have gone through the record. Present petitioner was granted interim bail vide order dated



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15.12.2022 and since then, the interim order has been continued. It is not disputed that during this period, petitioner joined investigation and fully cooperated with the investigating agency. Challan is also presented and recording of prosecution evidence is under progress. It is conceded by learned counsel for complainant that till date, she has not appeared before learned trial Court for recording of her statement. The stand taken by learned counsel for complainant that she is apprehending threat does not convince this court. Subsequent status report dated 11.07.2024 indicates that after framing of chargesheet, she has not appeared before learned trial Court. Effort was made to contact her but her mobile phone was switched off and she was not available at the given address. In case, the prosecutrix has any threat apprehension, she could have filed application before learned trial Court seeking protection nor there is anything on record to show that she filed any application before concerned SHO. Present petitioner is already on interim bail and is facing trial.

In the light of this, interim bail already granted in favour of petitioner vide order dated 15.12.2022 stands confirmed subject to the conditions detailed under Section 438(2) Cr.P.C.

7. Petition is accordingly disposed of.
8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

17.02.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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