

**Criminal Miscellaneous No.M-12623 of 2015 (O & M)**

**Date of Decision:** April 23, 2015

**Rakesh Kumar @ Lali**

..... PETITIONER

*VERSUS*

**State of Punjab**

..... RESPONDENT(S)

. . .

**CORAM:**     **HON'BLE MR. JUSTICE JASPAL SINGH**

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1.     Whether Reporters of local papers may be allowed to see the judgment?
2.     To be referred to the Reporters or not?
3.     Whether the judgment should be reported in the Digest?

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**PRESENT:** -    Mr. Rishu Mahajan, Advocate, for the petitioner.

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**Jaspal Singh, J**

1.                    This petition under Section 438 Cr.P.C. has been preferred by Rakesh Kumar @ Lali, seeking pre-arrest bail, feeling apprehension of his arrest in case FIR No.152 dated December 13, 2014 under Sections 376 IPC, registered at Police Station, Islamabad, Amritsar.
2.                    Learned counsel for petitioner, inter-alia, contended that petitioner has been falsely implicated in instant case. Infact, no such occurrence ever took place. Even otherwise, matter has since

been compromised. Prosecutrix and her father have also got executed and attested affidavits dated January 9, 2015 (Annexure P-3 and P-4, respectively) in this regard before Executive Magistrate, Amritsar.

3. This Court has considered aforesaid submissions made by learned counsel and perused the record.

4. Undoubtedly, FIR has been got registered by prosecutrix that she was subjected to rape by petitioner. No doubt, prosecutrix was major at the time of incident and further that she as well as her father have submitted affidavits showing the matter to be compromised but petitioner is not entitled to concession of pre-arrest bail, especially, in circumstances that offence under Section 376 IPC is of serious and grave nature and no compromise is permissible in view of observations made by Hon'ble Apex Court in case Narinder Singh & others vs. State of Punjab & another, (2014) 6 Supreme Court Cases 466.

5. Finding no merit in the instant petition, same is dismissed.

**April 23, 2015**  
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**(Jaspal Singh)**  
**Judge**