

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-29282-2015
Date of decision: 4.9.2015

Parjeet Singh @ Peeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.J.S.Thind, Advocate for the petitioner.
Ms.Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.165 dated 17.6.2015 registered under Sections 376/354-A/506/120-B IPC and under Sections 3(1)(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station, Jandiala Guru, Amritsar.

Learned counsel for the petitioner refers to the allegations against the petitioner levelled in the FIR, to contend that no allegation of offence under Section 376 IPC has been levelled against the petitioner. However, prosecutrix has tried to implicate the petitioner as well as other co-accused, by making material improvements, while making her statement under Section 164 Cr.P.C., which is based on an after thought. He further submits that initially the prosecutrix went on her own sweet will with the co-accused of the petitioner on the motorcycle and later on she turned around and levelled the allegations against those persons as well as tried to falsely implicate the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that since the allegations against the petitioner are serious in nature, petitioner is not entitled for bail pending trial. She further submits that statement made by the prosecutrix under Section 164 Cr.P.C. cannot be brushed aside, wherein she has specifically levelled allegation against the petitioner for an offence under Section 376 IPC. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the instant case, petitioner has been found entitled for concession of bail pending trial.

It is a matter of record and not in dispute that the prosecutrix did not level any allegation qua offence under Section 376 IPC against the petitioner at the time of her initial statement, whereupon FIR was registered. However, prosecutrix has tried to make material improvements in her earlier statement while getting recorded her statement under Section 164 Cr.P.C. In such a situation, it will be a debatable issue before the learned trial Court as to which statement of the prosecutrix was correct and reliable. As per the allegation levelled in the FIR, prosecutrix herself went with Gurjant Singh etc., co-accused of the petitioner, on the motor cycle. This is the reason, there is no allegation under Sections 365 and 366 IPC. Further, since the trial is yet to start, conclusion thereof will take long time.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

4.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE