

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

**CRM No.M-32276 of 2014 (O&M)
Decided on : 15.05.2015**

Suraj Sahota

.... Petitioner

Vs.

State of Punjab

.... Respondent

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. P.J.S.Hundal, AAG, Punjab.

Mr. P.S.Ahluwalia, Advocate
for the complainant.

MAHESH GROVER, J.(Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in a case FIR No.119 dated 31.08.2013 registered under Sections 452, 376 IPC at Police Station Bullowal, Distt. Hoshiarpur.

The allegations against the petitioner are that he had committed rape upon 70 years old woman.

Learned counsel for the petitioner pleads false implication and contends with reference to some settlement (Annexure P-2) between the parties and states that when the settlement was recorded on 27.08.2013, the complainant did not make any reference of allegations even though later she ascribes the incident to be of 23.08.2013. It is thus, contended that if the matter had to be settled there should be some reference of the incident of rape.

Learned counsel for the complainant, on the other hand, points out that since the police failed to register the matter and take notice of the aforesaid allegations, the complainant come to this Court

seeking an appropriate direction in this regard and it is thereafter that the case was registered and medical examination was conducted after 10 days of the incident.

I have heard learned counsel for the parties and perused the material on record.

To comment on the veracity of the compromise at this stage would be fallacious. It is for the Court to see prima facie whether the petitioner deserves the concession of anticipatory bail. The facts would indicate that the complainant had on an earlier occasion come to this Court with a prayer that the petitioner be arrested as the police was not taking any action even though the FIR was registered.

The fact that the complainant was medically examined after lapse of 10 days would somewhat justify the plea of the complainant that the police was not taking any action in this regard. The allegations against the petitioner are grave enough and he managed to stay away from law despite there being no protection to him by any Court. His prayer for pre arrest bail was rejected by trial court on 09.10.2013 and he approached this Court by way of instant petition after more than a year, which itself speaks volumes about the callousness and failure of police authorities to perform their duty and redress the grievance of the complainant. Evidently the police has not treated the matter with the seriousness as it deserves. A helpless woman of 70 years making allegations of the rape should have been sufficient to warrant a more serious attention than the one evident from the facts of the case. There would be prima facie no reason why the complainant would implicate the petitioner in an offence of such kind.

Taking all the facts into consideration, I would not deem it a fit case where the petitioner should be granted the benefit of pre arrest bail. The police authorities are directed to ensure that the petitioner is booked forthwith.

The present petition stands dismissed.

15.05.2015
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(Mahesh Grover)
Judge