

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-5226 of 2015 (O&M)
DATE OF DECISION : 3.3.23015

Gurpreet Singh alias Gopi

PETITIONER

VERSUS

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers 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 ?

Present:- Shri Vipin Mahajan, Advocate for the petitioner.

Shri P.S.Paul, D.A.G. Punjab.

MAHESH GROVER, J.

The petitioner prays for the concession of pre-arrest bail under Section 438 Cr.P.C. in a case registered vide F.I.R. No.46 dated 9.6.2014 under Sections 363.366.376 I.P.C. at Police Station Ghanie Ke Bangar, Batala. Initially, the F.I.R. was registered under Sections 363,366 I.P.C. and Section 376 was added later on. The petitioner was granted the concession of regular bail prior to the addition of Section 376 I.P.C. primarily on the basis of the statement made by complainant Lovepreet Kaur under Section 164 Cr.P.C. wherein she had stated that

she had voluntarily gone with the petitioner having been romantically involved with him and that nobody forced her into physical intimacy with the petitioner.

Learned counsel for the petitioner with reference to the statement under Section 164 Cr.P.C. contends that the subsequent report of the chemical examiner establishing sexual intimacy would make no difference to the case of the petitioner once the prosecutrix had herself admitted to the same as being without force or coercion. The prosecutrix is stated to be more than 17 years of age on the date of occurrence.

On due consideration of the matter, I am of the view that since the petitioner has already been granted the concession of regular bail, the mere addition of Section 376 I.P.C. at a subsequent stage would lose significance so far as the question of bail is concerned considering the fact that in her statement under Section 164 Cr.P.C. the prosecutrix has failed to level allegations of forcible sexual liaison.

Primarily finding this to be a factor in favour of the petitioner, I deem it appropriate to accept the petition and direct that the petitioner be enlarged on bail subject to the following conditions :-

- (i) He will make himself available for investigation as and when required to do so.
- (ii) He will not leave the country without the prior permission of the Court.
- (iii) He will 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 official.

March 3, 2015
GD

(MAHESH GROVER)
JUDGE