

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.6209 of 2015 (O & M)
Date of decision:02.03.2015

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Chhabra, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

This is a petition under Section 438 of the Code of Criminal Procedure Code, 1973 seeking pre-arrest bail in a case arising out of FIR No.26 dated 5.6.2014 registered under Sections 363, 366-A & 120-B IPC and Section 376 IPC added later on at Police Station Bariwala District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that in her initial statement prosecutrix did not level any allegation of rape. Thus, investigating agency has wrongly implicated the petitioner under Section 376 IPC.

Learned State counsel, however, submits that during investigation prosecutrix made a statement that she was repeatedly raped. Forensic investigation revealed that petitioner had, in fact, been subjected to rape.

Keeping in view, aforesaid facts no case for grant of pre-arrest bail is made out. However, petitioner may approach the

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Juvenile Board for regular bail. In case any such application is filed within ten days from today, same shall be considered by the Board and final decision be taken thereon within two weeks thereafter.

Arrest of the petitioner shall remain stayed till then.

Disposed of.

02.03.2015

sukhpreet

(RAJAN GUPTA)
JUDGE