

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-9048 of 2015

Date of Decision: 26.03.2015

Gurpreet Singh alias Kalu

....Petitioner

v.

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

Navita Singh, J.

This petition has been moved by Gurpreet Singh alias Kalu under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No.28 dated 7.5.2014 registered under Sections 363, 366A, 376 and 120-B IPC at Police Station Jhander, Amritsar.

It may also be pointed out that the petitioner was summoned under Section 319 of the Code of Criminal Procedure.

Counsel for the respondent- State submits that the petitioner is absconding. Counsel for the petitioner, however, submits that the petitioner has every intention to appear before the Court but apprehending arrest, he did not do so as his application of anticipatory bail was dismissed by the trial Court.

Statement of the prosecutrix is shown where she stated that she did not know the date and month when rape by the petitioner was committed on her. This is quite unbelievable. However, she remembered the date when she had intoxicated her parents on the asking of Joban Singh and Ravinder Singh. She then stated that Joban had committed rape on her

and further stated that one Honey had offered to marry her. She had accompanied him to Fatehgarh Churian. Then Honey also committed rape on her.

Without commenting on the merits of the case in any manner whatsoever, it is felt that since the prosecutrix is naming many people in her statement, it is too early for anyone to say as to whether the petitioner did or did not commit rape on her. The petition is allowed. The petitioner shall be released on bail to the satisfaction of the Arresting/ Investigating Officer. He shall appear before the Investigating Officer as and when called upon for investigation. He shall also be bound by the following conditions as contained in Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall 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 officer;
and
- (iii) that the petitioner shall not leave India without the previous permission of the Court.

The petitioner shall appear before the trial Court on 31.3.2015 which is the date stated to be fixed in the trial Court on which date the trial Court shall consider his request for regular bail.

**(NAVITA SINGH)
JUDGE**

March 26, 2015

renu