

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

Crl. Misc. No.M-18404 of 2016

Date of Decision: 25.05.2016

Mohinder Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. A.K. Sama, Advocate
for the petitioners.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in Complaint CIS No.COM I/121/2014, Case RBT No.7-1 of 25.10.2013/26.05.2013 under Sections 376/365/324/354-A/354-B/355/506/34 IPC titled as “Binder Kaur vs Mohinder Singh etc.” pending before the Court of Sub Divisional Judicial Magistrate, Guruharsahai, District Ferozepur.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case, whereas, no offence is made out against them. He further submits that earlier the complainant made a complaint and the allegations therein were found to be false. Learned

counsel also submits that the complainant is habitual of making false complaints as certain allegations were also levelled against ASI as well as Sarpanch of the Village. Learned counsel also submits that it is a complaint case and custodial interrogation is not required.

Heard the arguments of learned counsel for the petitioners and have also perused the allegations levelled in the FIR.

As per allegations in the complaint, when the complainant was going alone, all accused persons armed with deadly weapons came and threw her into their vehicle and committed rape upon her. The complainant was sexually assaulted by all the accused and thereafter, she was thrown in the river.

The contention of learned counsel for the petitioners that the complainant is habitual of filing false complaints, cannot be considered at this stage as nothing is on record to show as to how the allegations were found to be false. As per allegations, the accused were armed with deadly weapons and Buta Singh, who is an eye witness in the case, has also supported and corroborated the version of the complainant. Even the statement of the complainant has been fully corroborated by medical evidence. The doctor has proved on record the MLR of Binder Kaur as CW-3/1.

Keeping in view the specific allegations, which have been corroborated by medical evidence as well as the statement of eye witness, no ground is made out to grant anticipatory bail to the petitioners.

The petition is accordingly dismissed.

However, in case, the petitioners surrender before the trial Court and move an application for regular bail, the trial Court is directed to

consider and decide the same in accordance with law within a period of one week thereafter.

25.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE