

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-22072 of 2016 (O&M)
Date of Decision: 15.07.2016

Sahib Singh @ Saaba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Rupinder Kaur Thind, Advocate
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

ANITA CHAUDHRY, J (ORAL)

CRM No. 20659 of 2016

Heard.

Application is allowed and Annexure P-8 is taken on record.

CRM-M-22072-2016

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 178 dated 6.9.2013, registered under Sections 323, 354, 506 IPC later on Section 376 IPC was added on 14.11.2013, Police Station Ajnala, District Amritsar.

It is necessary to first mention that petitioner had filed an application seeking anticipatory bail in January 2014 and it was disposed of with the following order:-

“Learned counsel for the petitioner, after arguing for some time, made prayer for withdrawal of the instant petition that is,

hereby, dismissed as withdrawn.”

Counsel for the petitioner contends that the occurrence is stated to be of 4.9.2013 but the FIR was registered two days later and after about 2½ months, allegations of rape were levelled. Counsel states that an affidavit had been given by the girl and in her statement under Section 164 Cr.P.C. she had stated that she did not want to pursue with the complaint and wanted a compromise. It was urged that in the MLR there are no injuries.

State counsel submits that the girl was little over 16 years and she was raped and the MLR will show that the hymen was torn and vaginal swabs were taken. State counsel after taking instructions states that challan has not been filed and no cancellation report has been submitted.

The FIR had been registered in September 2013. Till date the police has not filed the cancellation report nor has filed the challan and nor has made any effort to arrest the accused. In the first complaint made by the girl allegations were levelled that the accused caught hold of her and dragged her inside his house and she raised alarm and her brother came to rescue her. The petitioner pushed her and her head struck against the wall and she became unconscious. On 14.11.2013 she made another statement that she had been raped. A medical was got done. The hymen was found to be torn. Since the medical was got done after a number of days the medical officer had noted that there was no marks of any fresh injury. The vaginal swab was taken. The girl was produced for her statement under Section 164 Cr.P.C. where she did not narrate the incident but she stated that the case should be cancelled and she wanted a compromise. The petitioner had approached this Court in January 2014 and after arguing for some time, the

application was withdrawn. The petitioner did not surrender and now after 2½ years he has again approached this Court with the second application for anticipatory bail. The police is yet to collect any material relating to the age of the victim. It appears that the investigating officer has not taken the complaint seriously and the authorities concerned should take note of it.

The allegations are serious. No case for anticipatory bail is made out. Petitioner would surrender within a fortnight.

Petition is dismissed.

A copy of this order be sent to Commissioner of Police,
Amritsar.

(ANITA CHAUDHRY)
JUDGE

July 15, 2016
Gurpreet