

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34033 of 2015

Date of Decision: 22.3.2016

Vikram Singh & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. SPS Sidhu, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. O.P. Kamboj, Advocate
for the complainant.

HARI PAL VERMA, J.

Petitioners namely Vikram Singh son of Chiman Singh and Ranjit Singh son of Puran Singh have filed the instant petition under Section 438 CrPC seeking anticipatory bail in case FIR No.210 dated 14.9.2014 under Sections 376-D, 366, 341, 382, 506, 148 IPC registered at Police Station Guru Har Sahai, District Ferozepur.

Learned counsel for the petitioner contended that in the instant FIR, petitioners have not been specifically named and the prosecutrix has stated that on 13.9.2014 at about 9-00 P.M., when she along with her husband was going to Village Panje Ke Uttar on his motorcycle, five unidentified persons stopped their motorcycle, beat her husband and three of them committed rape upon her against her consent. The petitioners have not been specifically attributed any role in commission of the aforesaid crime. It is only after registration of the case, when supplementary statement of the prosecutrix was recorded on 29.9.2014 i.e. after about 16 days of the alleged occurrence, the petitioners were named for the first time. The allegation against the petitioner No.1 Vikram Singh is that he caught hold of the prosecutrix from her arms whereas petitioner no.2 Ranjit Singh was standing near the door, as a guard. Learned counsel has claimed parity with other co-accused namely Kuldeep Singh and Jaswinder Singh, who have been granted bail vide order dated 6.10.2015 in CRM-M-33211-2015 *Kuldeep Singh v. State of Punjab* and vide order dated 1.2.2016 in CRM-M-34714-2015 *Jaswinder Singh v. State of Punjab*.

Learned counsel for petitioners has relied upon a judgment of this Court in the case of **Kirpal Singh @ Dyal Singh v. State of Punjab 2000(2) RCR (Criminal) 222** to contend that when co-accused have been granted bail, on similar allegations, the petitioners are also entitled for bail.

On the other hand, learned counsel for the complainant as well as learned State counsel have argued that out of the five persons, two youths had caught hold of the husband of the prosecutrix whereas the other three youths had forcibly caught hold of her arms. Her clothes were forcibly removed and the said three persons forcibly raped her without her consent, turn by turn. They also threatened to kill her many times.

In the supplementary statement of the prosecutrix, she has specifically named the petitioners and has attributed their role. She has stated that petitioner no.1 Vikram Singh caught hold of her from her arms and petitioner no.2 Ranjit Singh was standing near the door as a guard. Thereafter, they also committed rape upon her against her consent. Thus, there are specific allegations against the petitioners and therefore, the judgment in the case of **Kirpal Singh @ Dyal Singh** (*supra*) is not applicable in the present case.

In view of the aforesaid, no case for anticipatory bail is made out.

Dismissed.

March 22, 2016
AK

(HARI PAL VERMA)
JUDGE