

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.M-42103 of 2016
Date of decision : 29.11.2016**

Harpreet Singh @ Subedar

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.S. Pheruman, Advocate
for the petitioner(s).

Mr. Deep Singh, A.A.G. Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.04 dated 30.01.2016, registered under Sections 452, 376, 511, 323, 324, 380, 34 IPC read with Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Police Station Tibber, District Gurdaspur.

Counsel for the petitioner contends that the complainant is married and over 40 years of age and in her complaint she made allegations of attempt of rape but at the trial she failed to support the prosecution and did not identify the petitioner.

Copy of the statement of the victim is available on record. Allegations of attempt of rape have been levelled by the complainant in the FIR. In the examination-in-chief the victim named the petitioner and had

made allegations of rape and she also identified the accused but in the cross-examination conducted on another date, she completely turned around and stated that the petitioner was not present at the spot and nor had raped her.

Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

29.11.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No