

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

CRM-M-19862-2017

Date of decision: 20.11.2017

Jagseer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Gulshan Sharma, Advocate for the petitioner

Mrs.Anju Arora, Addl.AG, Punjab
assisted by ASI Joginder Singh

JITENDRA CHAUHAN, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of bail to the petitioner in case First Information Report No.37 dated 6.5.2017 registered under Section 376-D of the Indian Penal Code at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner has joined the investigation. He further states that no evidence with regard to the similar complaint lodged by the complainant as asserted by him before this Court on 28.9.2017 could be collected.

Learned State counsel states that neither co-accused Sarup Singh has been arrested nor the vehicle in question was recovered. Medico legal report of the victim was prepared. The petitioner is not cooperating in the investigation. The petitioner has made a false

statement before this Court with regard to moving the similar complaint against other persons by the complainant to prejudice the mind of the Court.

Heard.

There is specific recital by the victim that the petitioner alongwith co-accused Sarup Singh made her to sit in the car driven by the petitioner. She was taken to the fields where she was repeatedly raped by the petitioner and his co-accused. Keeping in view the nature of the offence and the facts that an MLR was carried upon the victim, which supports the case of the prosecution and the petitioner is not cooperating in the investigation, the vehicle in question is yet to be recovered and the co-accused is yet to be arrested, this Court feels that it is a fit case where custodial interrogation of the petitioner is required to unearth the truth, no case for bail to the petitioner is made out at this stage. As such, the present petition is dismissed.

However, anything stated herein above shall have no bearing on the merits of the case.

20.11.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No