

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M -21215 of 2017 (O&M)

Date of decision: 01.09.2017

Karam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab
assisted by ASI Bobby Kumar.

Complainant in person with
Mr. Jartinder Nagpal, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.33 dated 01.05.2017, registered under Sections 417 and 376 of IPC, at Police Station Women Cell, Patiala

It is contended that the allegations levelled in the complaint (Annexure P-2) addressed to SHO, Police Station Kotwali, Patiala were not supported by father and sister of the complainant. Even the complaint preferred by the complainant (Annexure P-6) in the Court of Chief Judicial Magistrate, Patiala, has been dismissed for non prosecution, vide order dated 23.12.2016 (Annexure P-7). He further

states that in pursuance of order dated 05.06.2017, the petitioner has joined the investigation. False implication has been pleaded

On the other hand, the learned State counsel, on instructions states that though the petitioner has joined the investigation, however, there are specific allegations of rape against the petitioner in the FIR.

The learned counsel for the complainant opposes the bail petition.

Heard.

The victim is a young widow. There are specific allegations against the petitioner that he in an inebriated condition forcibly entered the house of the prosecutrix in police uniform and when the prosecutrix protested and tried to save herself, the petitioner torn her clothes, beat her up and allegedly raped on the pretext of marrying her. Keeping in view the nature of offence and role of the petitioner, this Court is not inclined to grant the prayer made in the present petition. Therefore, no case for pre-arrest bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

01.09.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No