

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

Crl. Misc. No.M-21436 of 2017 (O&M)

Date of Decision: September 07, 2017

Prem Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Khiva, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.35 dated 06.05.2017, under Section 376 of Indian Penal Code registered at Police Station City Mansa, District Mansa.

Mr. J.S. Khiva, counsel appearing on behalf of the petitioner contends that petitioner has not committed the alleged offence and he has been falsely implicated in the present case. Counsel for the petitioner, while placing reliance on compromise deed (Annexure P-2) and affidavit of complainant (Annexure P-3) argues that the matter has been compromised between the parties, therefore, the instant petition should be allowed.

Per contra, Mr. Abhyapal Singh Gill, learned counsel appearing

on behalf of the respondent-State opposes the grant of anticipatory bail to the petitioner, while submitting that offence alleged against the petitioner is serious in nature.

I have heard learned counsel for the both the sides and perused the record of the case.

The instant FIR was lodged by the complainant with the specific allegations that she was suffering from fever and had come at Civil Hospital, Mansa for her treatment, but the petitioner-accused took her at 2nd floor of the hospital and forcibly committed rape upon her without her consent. The petitioner has been named in the FIR by the complainant as a person, who had committed the offence of rape upon her. The allegations levelled in the FIR are serious, for which custodial interrogation would be required. The investigation is still at nascent stage.

Counsel for the petitioner urges that the matter in fact has been compromised, however, this court is not in a position to determine the authenticity of the alleged compromise.

In view of the above, the petition in hand is hereby dismissed.

September 07, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No