

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

**CRM-M-22547-2017
Date of Decision: 21.09.2017**

Jatinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. H. S. Batth, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of pre-arrest bail to the petitioner in the event of arrest in FIR No. 68 dated 18.04.2017, under Sections 363, 376-D, 342, 506 and 34 of the IPC, registered at Police Station, Jandiala, District Amritsar.

The matter was taken up on 22.06.2017, wherein it was argued that the call details would establish that there was a relationship between the prosecutrix and the brother of the petitioner. On 06.07.2017, the petitioner herein was granted interim protection while giving a direction to the counsel for the respondent-State to verify the facts regarding the investigation done by the ASP.

The matter has been taken up today and learned counsel for the petitioner submits that the petitioner has joined the investigation and prays

for confirmation of the interim bail.

Learned counsel for the complainant submits that there are definite allegations regarding the commission of offence punishable under Section 376 IPC in the FIR while also submitting that regular bail of the co-accused, i.e. brother of the petitioner herein, has been declined by an order dated 18.08.2017.

Learned counsel for the respondent-State also submits that call details, which have been verified, show that the prosecutrix was in the vicinity of the area as alleged by her in the FIR. At this stage, learned counsel for the petitioner was permitted to have a look at certain documents in the police file.

This Court had recessed for ten minutes and reconvened at 12.10 PM. It is brought to the notice of this Court by the learned counsel for the complainant that during the interregnum, he has received two phone calls on his personal mobile number from a person, who was claiming to be the father of the petitioner herein, asking him not to oppose the grant of bail to the petitioner. The phone numbers as reflected on his mobile number are 9876762932 and 9815683815. This fact has been disputed by learned counsel for the petitioner by submitting that the petitioner's father is sitting in this Court and he could not have made these phone calls. To verify the veracity of the statement made, one of the above mentioned numbers was called from the mobile of the learned counsel for the complainant and sure enough the father, who was present in Court, received a phone call from the number of learned counsel for the complainant.

Faced with above situation, learned counsel for the petitioner

prays for withdrawal of his *Vakalatnama* from this case. He is permitted to do so.

This incident would establish the fact that the family of the petitioner were making an attempt to influence the complainant's counsel. Resultantly, this Court can come to no conclusion other than the fact that the petitioner and his family members would try and intimidate the prosecutrix while he is on bail. The challan has been presented and the statement of the prosecutrix is yet to be recorded.

In view of the incident that has transpired in Court itself, this Court has no hesitation in cancelling the order dated 06.07.2017, granting interim protection to the petitioner. Hence, the order dated 06.07.2017 is cancelled and the instant petition is dismissed as well.

21.09.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No