

101

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

CRM-M-22695-2017 (O&M)

Date of Decision: 30.06.2017

Sukhdev Singh @ Laddi and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HONBLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. P.S. Hundal, Advocate,
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

CRM-19975-2017

Allowed as prayed for.

Documents are placed on record.

CRM-19881-2017

Allowed as prayed for.

CRM-M-22695-2017

1. This case has a peculiar background. The petitioners were originally implicated by the complainant on the allegation of having committed gang rape on her. The FIR was lodged promptly. At a later stage, however, the complainant in her statement under Section 164 Cr.P.C. virtually exonerated the petitioners by altogether retracting from her original allegations. During the investigation, the Police could also not come across any tangible evidence to support the allegations of rape. However, on obtaining legal opinion from the DA (Legal) concerned, they nevertheless

submitted the challan. Even more interesting is the fact that at no stage the petitioners were taken into custody even though they joined the investigation which was completed about an year and half after the date of lodging the occurrence. To justify their not arresting the accused, the Police went to the extent of recording that in the given facts and circumstances, it was not a fit case to necessarily arrest the accused in view of the decision of the Hon'ble Supreme Court in **Criminal Appeal No.206 of 2008** titled as **“Som Mittal Vs. Govt. of Karnataka” 2008 (1) R.C.R. (Criminal) 880.**

2. Perusal of the material on record, and also the observations recorded in the MLR of the complainant/victim would also justify the above-mentioned background and situation at this stage, particularly after the investigation having been officially completed.

3. For the aforesaid reasons, the present petition is allowed. The petitioners are ordered to be released on appropriate bail conditions and amount, subject to the satisfaction of the concerned Magistrate in whose Court they are required to appear for commitment.

30.06.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No