

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

Crl. Misc. M 36615 of 2017 (O&M)
Date of decision: 28.9.2017

Jyoti

...Petitioner

Versus

State of Punjab

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.K. Mattoo, Advocate
for the petitioner.

JAISHREE THAKUR, J.

This petition has been filed under Section 438 of the Code of Criminal Procedure seeking for grant of anticipatory bail in FIR No. 184 dated 29.8.2017 registered under Sections 376, 377, 323 and 506 IPC at Police Station City Kharar.

On 29.8.2017 the aforesaid FIR came to be registered against the petitioner and one Sidharth by the complainant. It is alleged therein by the complainant that she after completion of her MBA came to Kharar in search of employment and started staying with Sidharth, who she claims to be her cousin brother. It is alleged that the petitioner was already staying with Sidharth in the house, where the incident is alleged to have taken place.

It is alleged that on the date of occurrence at 5.30 a.m. the complainant was

sleeping in her room, whereas the petitioner and Sidharth were sleeping in the separate room. Sidharth entered the room of the complainant and committed rape against her will and the petitioner had the consent for commission of this offence. It is further alleged that at 10.30 a.m. Sidharth again went to the complainant's room and again committed rape on her. So much so, both the petitioner and Sidharth slapped her. She disclosed the entire episode to her brother and a friend, who got her admitted in the Civil Hospital, Kharar and got the aforesaid case registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, In fact, she had no role to play in the alleged commission of offence. On the contrary, the complainant wanted to develop physical relations with the Sidharth and when the petitioner objected to this, she was framed in the present case.

I have heard learned counsel for the petitioner.

The plea of false implication at the stage when the investigation is going on cannot be ascertained. The complainant has made specific allegations of sexual assault having been committed upon her by Sidharth, with active involvement of the petitioner. The allegations so made are serious in nature.

In view of the gravity of the offence, this Court is not inclined to entertain this anticipatory bail. Therefore, this petition is dismissed. However, since this court has not expressed any opinion on the merit of the case and if the petitioner appears before the trial court and seeks regular

bail, her application would be decided on its own merit without being influenced by the dismissal of the present petition.

28.9.2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No