

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

Crl. Misc. M-43069 of 2017 (O&M)
Date of Decision: December 05, 2017

Ram Lal @ Ghugg

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

Learned counsel files the fresh power of attorney on behalf of the petitioner, superseding the earlier counsel, which is taken on record.

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.243 dated 27.09.2017 registered under Sections 376-D, 379, 506, 34 of Indian Penal Code at Police Station Adampur, District Jalandhar.

Counsel for the petitioner contends that the petitioner is falsely implicated in the present case. It is argued that the petitioner has not been named in the FIR as a person, who had committed the offence under Section 376 of Indian Penal Code. It is also contended that the story put forth by the complainant is not believable, as the same is result of afterthought. It is

also argued that police should verify whether there was any telephonic conversation between the prosecutrix and the petitioner.

Learned counsel appearing on behalf of the respondent-State, on instructions from Investigating Officer, opposes the grant of anticipatory bail to the petitioner, while arguing that in her statement that has been recorded under Section 164 Cr.P.C., the prosecutrix has levelled specific allegations of rape qua the petitioner. It is also submitted that during investigation, it has been verified that there was a telephonic conversation between the prosecutrix and the petitioner on the date, when the incident took place.

At this stage, appearance has been caused on behalf of the complainant by Mr. Sanjeev Kumar, Advocate and filed the power of attorney, which is taken on record and opposed the grant of anticipatory bail to the petitioner.

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

A reading of the FIR would go on to show that on 21.09.2017, at about 7.45 p.m., the prosecutrix was going to her parental house. On the way, she met one Kancha, who started talking with her, but when she scolded him, he went away. However, after some time, he came on motorcycle with one Kalu and she got afraid and called Ghugg on her mobile phone to rescue her. He came there on his motorcycle and she asked him to drop at her house. She took ride on his motorcycle as a pillion, but instead of going to the normal route, he went via the path of canal and stopped his motorcycle at a deserted place. In the meantime, Kancha and

Kalu also came there. Ghugg left her there and went away. Kancha and Kalu forcibly took her to the sugarcane fields and raped her. In her statement that has been recorded under Section 164 Cr.P.C. she also levelled specific allegations of rape against the petitioner herein. There are serious allegations that have been levelled against the petitioner. A specific role has been attributed to the petitioner herein by the prosecutrix in her statement recorded under Section 164 Cr.P.C..

The grant of anticipatory bail is a discretionary relief and the conduct of the petitioner has to be seen as well. In view of the peculiar facts and circumstances of the present case and nature/gravity of the offence, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner herein. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

December 05, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No