

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

**CRM No.M-46393 of 2016
Decided on: 01.05.2017**

Gurpreet Singh @ Gopi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.123 dated 06.08.2016, for offence punishable under Sections 376, 307, 326-A, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Kamboj, District Amritsar Rural.

Counsel for the petitioner has submitted that as per the allegations falsely raised by the petitioner, the alleged occurrence took place on 14.04.2016 but the FIR was lodged after a delay of about 04 months on 06.08.2016. It is further submitted that the prosecutrix remained admitted in Mata Kartar Kaur Memorial Hospital, Amritsar from 14.04.2016 to 25.04.2016 on account of loose motions with vomittings, blood in stools, severe dehydration with high grade fever as is apparent from the documents Annexures P1 to P12 appended with the petition but she never complained of having been subject to rape as has been raised in the present FIR. In addition, it is argued that as per the

allegations in the FIR while the prosecutrix was fleeing from the place of occurrence, the accused along with their father Khiwa Singh poured acid in her mouth and the acid went inside but the prosecutrix was never treated in the aforesaid hospital with regard to an injury in her mouth or other internal part of the body. The last submission made by counsel is that on completion of investigation, challan has been presented in the Court and the petitioner is ready to face the proceedings, in accordance with law.

Counsel for the State, in pursuance of order dated 08.03.2017 passed by this Court, would state that as per the verification made by the Investigating Officer of the case, the prosecutrix remained admitted in Mata Kartar Kaur Memorial Hospital, Amritsar from 14.04.2016 to 25.04.2016 and statement of Dr. Gurjinder Kaur in this regard has been recorded. It is further submitted that the documents on which the petitioner has placed reliance were found to be correct on necessary verification.

I have heard counsel for the parties and perused the paperbook.

The plea raised by the petitioner with regard to treatment of the prosecutrix in a hospital from 14.04.2016 to 25.04.2016 has been found to be correct on necessary verification by the investigating agency. Challan has been presented in the Court and conclusion of trial is likely to take its own time.

Without meaning to express any opinion on merits of the case, bail to the petitioner subject to satisfaction of the trial Court.

However, he shall remain bound by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without the previous permission of the Court.

Nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

01.05.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No