

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

CRM-M No. 9615 of 2017(O&M)

Date of decision: 28.3.2017

Satnam Singh

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Bikramjit Aurora, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No.116 dated 18.08.2015 registered with Police Station Gharinda, District Amritsar Rural for offence punishable under Sections 406, 498-A, 376, 506, 120-B read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that the petitioner is elder brother of Pargat Singh with whom the complainant Sehajpreet Kaur performed marriage on 21.01.2014. Pargat Singh is residing in a foreign country for the past more than 14 years and after a short stay in India for the purpose of marriage, he went back to resume his work. The petitioner has a family comprising his wife and two minor children and he has been residing separately before marriage of Pargat Singh with Sehajpreet Kaur. It is argued with vehemence that as the complainant was found having illicit relations with a boy of her village and Gurpreet Singh, son of her sister-in-law and an objection in this regard was raised by the family, complainant raised false allegations against her father-in-law qua offence

under Section 354 IPC and attribution of sexual assault/rape against the petitioner. In the alternative, it is argued that if the complainant was being taken to Delhi by the petitioner against her wish, there was no reason for her to keep silence when they allegedly travelled together from Amritsar to Delhi in May 2015 via train. In addition, it is argued that the FIR has been lodged almost after three months of the alleged occurrence, sufficient to create doubt in the story propounded by the complainant. The last submission made by counsel is that the petitioner is in custody since 01.04.2016 and conclusion of trial is likely to take its own time.

Counsel for the State has opposed prayer for bail with the submission that there are grave and serious allegations against the petitioner committing rape upon the complainant. The victim later committed suicide and another FIR has been registered against the petitioner and others for offence under Section 304-B IPC.

In response, counsel has submitted that the petitioner has already been released on bail with regard to offence under Section 304-B IPC.

The present FIR has been lodged by the complainant against several members of her in-laws' family when she has attributed serious allegations against the petitioner for committing rape. There is no explanation in the FIR for delay of about three months in lodging the FIR. The petitioner is in custody for the last about one year. Conclusion of the trial is likely to take some more time. The victim of the crime is no more available for recording her statement, therefore, there is no possibility of the petitioner tampering with her evidence in case released on bail.

Without meaning to express any opinion on merits of the case, the present petition stands disposed of with a direction that the petitioner shall be released on bail subject to satisfaction of the trial Court in case prosecution fails to conclude the evidence within a period of three months from the next date fixed in the proceedings before the trial Court. However, the petitioner shall not be entitled to benefit of bail in case delay in conclusion of prosecution evidence would be attributable to the petitioner himself. In case, the petitioner is released on bail, he shall abide by the following conditions:

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;

(ii) he shall not leave India without previous permission of the Court.

MARCH 28, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no