

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

CRM-M-25528-2018

Date of decision:-6.9.2018

Kuldeep Singh alias Ramu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Riffi Bala Birla, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Kuldeep Singh alias Ramu – an accused in FIR No.85 dated 14.8.2017,
under Section 376 IPC (Sections 365/366 IPC, added later on), registered
at Police Station Arniwala, District Fazilka.

Briefly stated, the facts of the case as per prosecution story
are that on 28.7.2017 at about 10:00 a.m. while the prosecutrix –
complainant was there in the area of Saw Mill on link road, Dabwala Kala

then Raj Singh son of Pritam Singh resident of Dhani Chandigarh Dakhli Arni Wala Sheikh Subhan and Kuldeep Singh alias Ramu (present petitioner) son of Mahinder Singh, resident of Dhani Water Works Dakhli Arni Wala Sheikh Subhan came there on a motorcycle, which was being driven by Raj Singh with Kuldeep Singh @ Ramu as a pillion rider; Kuldeep Singh @ Ramu put his hand on the mouth of prosecutrix and made her sit on the motorcycle forcibly; she was taken to a room in the fields, where she was made to smell some intoxicant substance, thereafter, Raj Singh and Kuldeep Singh @ Ramu had forcible sexual intercourse with her, then the culprits left the spot. On the basis of statement of complainant formal FIR was registered. The petitioner/accused was arrested in this case on 8.9.2017. The challan has been filed against him and the trial is going on. The petitioner had filed application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Fazilka vide order dated 6.4.2018, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very serious and grave inasmuch as he along with his co-accused are said to have abducted the prosecutrix and then both of them had sexual intercourse with her against her wishes repeatedly and on 8.8.2017, they left her in the seed farm in an unconscious condition. The trial is going on. The guilt of the

petitioner/accused shall be determined during the trial. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

6.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No