

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

CRM-M-26992-2018

Date of decision:-20.8.2018

Paramjit Singh @ Pamma

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Paramjit Singh @ Pamma, an accused in FIR No.121 dated 21.6.2017, under Sections 376/342/120-B IPC(Section 365 IPC was added later on), registered at Police Station Dharamkot, District Moga.

Briefly stated, the facts of the case as per prosecution version are that complainant (name not being mentioned to conceal her identity and referred to as '*the victim*'), aged about 24 years, resident of Chak Tare Wala having studied up to 5th class had been involved in a love affair with Balwinder Singh @ Dara son of Surjit Singh, resident of Gatti Jattan for about 3-4 years; that they had filed a petition in this Court seeking protection of their lives and liberty; that on 18.6.2017 at about 8:00 p.m. when the victim had gone to bring water from hand pump installed near

her house, then a car was brought to halt near her; that Balwinder Singh @ Dara came out of the car and he caught hold of the complainant from her arm and made her sit on the back seat of the car forcibly; that the car was then driven away; that Dilbagh Singh son of Surjit Singh, brother of Balwinder Singh and Paramjit Singh @ Pamma (present petitioner) were already sitting there; that Paramjit Singh @ Pamma was driving the car; that the car was taken to bank of river, where the victim and Balwinder Singh @ Dara were dropped and car was driven away; that on the next day at about 4:00 p.m., Balwinder Singh @ Dara took the complainant to a room and committed rape on her; that at about 8:00 p.m. Paramjit Singh @ Pamma and Dilbagh Singh came to school premises in a car and picked up the complainant and Balwinder Singh @ Dara, then the complainant was dropped on the road about one kilometer behind the village; that the victim went home and disclosed the entire things to her parents; that it was raining heavily; that the mother of the complainant took her to Civil Hospital, Moga since the victim was suffering from severe pain. In her statement to the police, the complainant victim stated that Balwinder Singh @ Dara had raped her giving her allurements of marriage and in that conspiracy his brother Dilbagh Singh and Paramjit Singh @ Pamma had participated. After registration of the FIR, the investigation in this case started. The petitioner/accused was arrested in this case on 16.1.2018. He had moved an application for regular bail but the same was declined by Additional Sessions Judge, Moga vide order dated 15.5.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and

counsel representing the State had put in appearance.

I have given a thoughtful consideration to the rival contentions besides going through the record.

During the course of trial, statement of the prosecutrix/complainant was recorded, copy of which has been placed on record. The main thrust of allegations is against Balwinder Singh @ Dara, who is said to have kidnapped the complainant/victim and then committed rape upon her giving her allurements of marriage. The petitioner is said to be part of conspiracy by driving the car at the time of alleged kidnapping of the victim and thereafter from school premises when rape had allegedly been committed upon the prosecutrix by Balwinder Singh @ Dara there.

Learned counsel for the petitioner has submitted that during the trial, the victim has not supported the case of prosecution, rather she stated that she knows accused Balwinder Singh @ Dara but does not know Paramjit Singh @ Pamma; that she along with Balwinder Singh @ Dara had filed a writ petition seeking protection in this case. She categorically stated that on 18.6.2017, the accused had not kidnapped her and had not committed rape upon her. She was declared a hostile witness at the instance of Public Prosecutor and Public Prosecutor was allowed to put questions to her in the form of cross-examination. However, she did not toe the line of prosecution in her cross-examination. The star witness for the prosecution having let it down and now the trial is pending for recording statements of other prosecution witnesses, the depositions of which are of corroborative nature only.

Under the circumstances, I find it proper and appropriate if

concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Moga, subject to the following conditions:

- (i) that he shall appear in the Court on each and every date of hearing;
- (ii) that he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) that shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

This petition stands allowed accordingly.

20.8.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No