

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

Criminal Misc. No.M- 34789 of 2017(O&M)

Date of Decision: February 05 , 2018.

Jagtar Singh

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Shakti Bhardwaj, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.32 dated 22.04.2017 under Sections 376/120B IPC and Section 3 of the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Mamdot, District Ferozepur.

As per the allegations, the complainant who is a married 23 year old lady, was present at her residence on 16.04.2017 at around 3.00 p.m. and the present petitioner (her neighbour) and one Jarnail Singh came to her house. The complainant on inquiry told Jarnail Singh that she was going to the doctor for

taking medicines as she was not well. Jarnail Singh indicated that the present petitioner was also going to bazaar and the complainant could go along with him. The petitioner, it is alleged, took the complainant through the entire city of Guru Harsahai to village Baja Mrar, District Mutksar. The complainant further stated that the petitioner committed rape upon the complainant. She managed to escape from the petitioner after two days on 18.04.2017. The complainant returned to her matrimonial home and narrated the incident to her father-in-law and husband. Ultimately, the present FIR was lodged on 22.04.2017.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in this case. It is highly improbable that in case of the complainant missing from her matrimonial home, no report whatsoever would have been lodged by her husband or other family members. There is an unexplained delay in lodging of the FIR even after her alleged return on 18.04.2017. The medical evidence on record, it is submitted, does not suggest the commission of rape upon the complainant. Moreover, the complainant has been examined before the learned trial court. An application under Section 319 Cr.P.C. has been moved for summoning Jarnail Singh, who was found innocent during investigation. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Balwinder Singh, verifies that examination-in-chief of the complainant has been conducted. An application under Section 319 Cr.P.C. has been moved for summoning Jarnail Singh, who was found innocent during investigation. It is confirmed that there is nothing on record to indicate that the complainant was reported to be missing

after 16.04.2017. Medical evidence on record as available on the police file, does not indicate any injury on the person of the complainant. The petitioner, it is verified, is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Jagtar Singh is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant/prosecutrix or any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 05, 2018.
'om'

(LISA GILL)
JUDGE

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