

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

CRM-M-36161-2018

Date of Decision: 27.08.2018

Tilak Raj

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jatinder Pal Singh, Advocate
for the petitioner(s).

Mr. Jagmohan Ghumman, D.A.G., Punjab.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.53 dated 29.04.2017, registered under Sections 376, 452 & 34 IPC at Police Station Guruharsahai, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner is in custody since 02.12.2017 and the case has been committed but charge has not been framed. Counsel submits that as per allegations in the FIR, the petitioner, along with one unidentified person, had entered the house of the complainant and she was forced inside the house and her clothes were torned and rape was committed. Counsel submits that the matter was reported to the police after 7 days and no reason had come for the delay. Counsel further submits that brother of the complainant, namely, Gurdeep Singh, is a habitual offender and had cases under the NDPS, rape and decoity pending and the petitioner is the son of the Sarpanch and he had made a complaint to the police regarding the illegal activities and a false

case had been got registered against him. Counsel further contends that co-accused moved an application for getting an inquiry conducted as he was a government employee and was at his station at the time of the alleged incident and inquiry was conducted and it is then that all the facts tumbled out and the facts came to light that Gurdeep Singh was involved in a number of heinous crimes and the whole family i.e. the complainant and her sister Paalo Bibi had been lodging false cases to extort money. Counsel further submits that the complainant is 42 years old where as she has shown her age as 27 years. Counsel for the petitioner further contends that the petitioner had given an application for his DNA test but the DNA was not carried out.

The investigation is over and challan has been presented. Certain facts have come to the notice of the police and the prosecution will have to prove their case and explain the delay.

The trial would take time. Considering the allegations made by the petitioner and keeping in view the inquiry report, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the trial Court/Duty Magistrate.

August 27, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No