

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

Criminal Misc. No.M- 36053 of 2017(O&M)

Date of Decision: January 11 , 2018.

Rohi Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.K.Walia, Advocate
for the petitioner.

Ms. Monika Jalota, 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.67 dated 09.07.2017 under Sections 365/376/511/506/34 IPC, registered at Police Station Cantt. Bathinda.

It is submitted that the petitioner has been falsely implicated in this case because a sum of ₹1,00,000/- had been borrowed from the petitioner by the complainant for sending her daughter to Canada. The said amount had not been returned despite requests. It is due to this reason that the petitioner has been falsely involved in this case. As per the allegations in the FIR, the complainant,

who is a divorcee having a daughter aged 8 years, stated that the petitioner, who is a resident of her village, wanted that the complainant should reside with him taking advantage of her circumstances. It is stated that the complainant started living at Mandi Dabwali after having joined service there. Thereafter, she left for Singapore on 26.01.2017 from where she was deported due to medical reasons. She started residing at Mandi Dabwali again with her sister. It is alleged that on 07.07.2017 at about 4.30 p.m., the present petitioner and his nephew Sukhpreet Singh entered their house forcibly and kidnapped her. Both the said persons physically assaulted her and tried to commit rape upon her. It is alleged that both the accused beat her up as well. The present petitioner threatened that he would ensure that the complainant lived with him as his woman. Somebody sent intimation regarding this incident to the police. When the complainant and accused reached near Maur Mandi, the petitioner received a call on his phone. His cell phone fell near the feet of the complainant. She picked up the phone and heard the petitioner's wife saying that the petitioner had committed such an act that the police had come to their home. The cell phone was snatched by the petitioner. The complainant was threatened by the petitioner and the co-accused to be done to death. However, being scared they left the complainant at Bathinda. FIR in this connection was lodged on 09.07.2017.

Learned counsel for the petitioner vehemently argues that the allegations against the petitioner are palpably incorrect and highly improbable. Medical evidence on record does not indicate any kind of physical assault by two persons upon the complainant. It is further submitted that there is nothing on record to show that the police had ever visited the house of the petitioner on

07.07.2017 as mentioned in the FIR or that the police had any kind of intimation of the alleged offence. The petitioner, it is stated, has been in custody since 10.07.2017. The challan/final report under Section 173 Cr.P.C. has since been presented and charge against the petitioner framed. It is thus prayed that this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that there are specific allegations against the petitioner. However, Learned counsel for the State, on instructions from HC Ramandeep Singh, verifies that final report under Section 173 Cr.P.C. in this case has been presented, charge framed. It is further verified that there is nothing on record to show intimation of the alleged incident to the police on 07.07.2017 or that the police had visited the petitioner's house on 07.07.2017. The petitioner 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 Rohi 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, 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.

January 11 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No