

**Criminal Misc. No. M- 4339 of 2018 (O&M)**

Date of decision : March 27, 2018

Gurdhian Singh

.....Petitioner

Versus

State of Punjab

....Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. P.S. Sullar, Advocate  
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

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**LISA GILL, J.**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 163 dated 24.12.2017 under Sections 376, 511, 506 IPC registered at Police Station Passiana, District Patiala.

As per the allegations in the FIR, the petitioner came to the complainant's house on 18.12.2017 at 7/7.30 p.m. The complainant's daughter aged 13 years was present at home. It is stated that the complainant was keeping clothes in a cupboard when the petitioner entered her home, locked the door and tried to commit rape. It is alleged that with difficulty, the complainant managed to escape from the petitioner. She raised hue and cry on which her daughter raised alarm as well. The petitioner fled from the spot.

Learned counsel for the petitioner submits that the allegations against the petitioner are patently false and incorrect. There is an unexplained delay of nearly one week in lodging of the FIR. The incident in question is alleged to have taken place on 18.12.2017 and the FIR was registered on 24.12.2017. Moreover, the petitioner was present at his own

residence in regard to gathering of the Bazigar Community. In this respect, a certificate has been issued by Bazigar Welfare Youth Association (Annexure P-2). The said certificate is not only signed by the President of the said association but the Sarpanch of the village and other respectables as well. It is further submitted that there is a dispute of the complainant regarding a passage. The petitioner and the complainant have houses situated opposite each other. Learned counsel submits that the petitioner has been falsely implicated due to this reason. The petitioner undertakes to face proceedings. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Dharminder Singh, verifies that there was a Bazigar Community gathering at the residence of the petitioner on 18.12.2017. It is further informed that there is indeed a dispute of the complainant regarding the passage but the same, it is contended, is with one Rupinder Singh. It is confirmed that the petitioner and the complainant are neighbours, their houses being opposite to each other.

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 in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer/ Arresting officer. He shall appear before the Investigating agency as and when required. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is, however, clarified that the petitioner shall not try to contact the complainant or any of her family members in any manner - directly or indirectly. Any such infraction on the part of the petitioner shall entail cancellation of his bail.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 27, 2018  
rts

**(Lisa Gill)**  
**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No