

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

CRM-M-46883-2018 (O&M)

Date of Decision: 30.10.2018

Bajinder Singh @ Pastor

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. G.K. Mann, Advocate
for the petitioner(s).

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

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.128 dated 20.04.2018 registered under Sections 376/ 420/ 354/ 294/ 323/ 506/ 147/ 149 of IPC and Section 67 of Information and Technology Act at Police Station Zirakpur, District SAS Nagar.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.07.2018 and the investigation is over and challan has been presented and the complaint is by a married woman who has two children. Counsel submits that the complainant has made accusations of rape incident which occurred in September, 2017 and the FIR had been registered in April, 2018. Counsel further submits that the complainant is used to making complaints and she had got FIR registered against one other person and the trial had ended in acquittal and they have placed on record

the judgment Annexure P-9. Counsel further submits that the complainant had got FIR registered under Section 354 IPC at Chandigarh and then entered into a compromise and the FIR was quashed as recently as in September 2018 and she is used to lodging complaints to extract money.

Learned State counsel informs that the FSL report is negative.

The petitioner has placed on record some photographs of December, 2013 to show that the complainant had participated in a procession and had such incident occurred in September, she would not have associated herself and would have lodged a complaint earlier.

Two instances have been shown by the petitioner, where the same complainant has made allegations of rape and molestation against different persons.

Trial had ended in acquittal. The investigation is already over in this case. FSL report is negative. Without commenting anything on the merits of the case, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate.

October 30, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No