

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-1417-2019

Date of Decision:16.07.2019

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Payal Mehta, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.274 dated 17.12.2017 under Sections 376, 506, 34 IPC, registered at Police Station City, Faridkot, District Faridkot.

The aforesaid FIR was registered at the behest of Gurmeet Kaur, who is owner of the trucks which are being used to ply on rent for loading/unloading. She is a divorcee. As per FIR, the petitioner was serving as a driver on her truck and had stolen the truck some time back. He called the prosecutrix so as to settle the dispute by paying money in relation to the truck. He had said that he would settle the matter by visiting Faridkot. Thereafter, on the date of incident i.e. 12.12.2017, petitioner informed the complainant about his visit to Faridkot. He also informed her that there is break down in the truck and therefore, he would be coming late.

At about 9.00 PM, the petitioner again called the complainant while saying that he is standing on the curve of Balbir Basti along with the truck and could not pass due to low lying electricity wires. He asked the complainant to collect money. Believing him, the complainant went to Balbir Basti curve, where the petitioner was found present. He was accompanied by Jasveer Singh son of Makhan Singh and Shamsher Singh @ Shera son of Bhola Singh. The petitioner and his accomplice allured the complainant and said that they will go to her home and will settle the issue regarding the disputed money after having a cup of tea. Believing them, the complainant seated in the truck and accused drove the truck to some unknown place, where the petitioner committed rape upon her thrice against her consent.

Learned counsel for the petitioner states that apart from the fact that the FIR has been registered for vested reasons, the medical report has not been produced during trial as no doctor has been examined so far.

Learned State Counsel, on instructions from ASI Manjit Singh, states that DNA report is already on record. In case the said report is not there, effort would be made to examine the concerned doctor so that the report can come on record.

Faced with this development, learned counsel for the petitioner seeks withdrawal of the present petition.

Dismissed as withdrawn.

The case is now fixed for 25.07.2019 before the trial Court.

Let the prosecution examine the doctor on the relevant date if not examined so far.

July 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No