

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

CRM-M-3723 of 2019.

Decided on:- February 01, 2019.

Gurmeet Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Baljeet Singh Sidhu, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in FIR No.2 dated 03.01.2019 under Sections 354, 323 and 506 IPC registered at Police Station Lambi, District Sri Muktsar Sahib.

The aforesaid FIR was registered at the behest of complainant Soni Kaur, who is working as Labour Officer, Spinning Mill, Jiwan Singh Wala, Bathinda. As per the FIR on 29.12.2018 at about 07.00 P.M. when the complainant was walking towards Bus Stand, Lambi for her village Panjawa and had just reached ahead of wheat stores, the petitioner-accused came there and started stalking her by stopping his motorcycle in front of her and some time behind her. The petitioner-accused repeatedly asked her (complainant) to sit on his motorcycle. However, when the complainant refused to sit on his

motorcycle, the accused parked his motorcycle on left side of the road and caught hold of her from her arm and dragged her towards the fields. He forcibly attacked her and tried to outrage her modesty. The complainant opposed him and during this process, a scuffle took place between them. The petitioner-accused gave bites on her hand, breasts, face and other parts of her body. He also gave fist blows on different parts of her body and keep on dragging her on the road and in the fields. The complainant called Narinder Singh on phone, who gave information to the police control room. After some time, Jagsir Singh son of Amrik Singh, resident of Panjawa also came at the spot and thereafter, police reached there.

Learned counsel for the petitioner has argued that there is an inordinate and unexplained delay of more than 5 days in lodging the FIR. The alleged occurrence took place on 29.12.2018, whereas the FIR in question was registered on 03.01.2019. The story of the complainant that after the incident, one Jagsir Singh son of Amrik Singh, who is her relative came at the spot and got her admitted in the hospital after arranging a vehicle is totally false as said Jagsir Singh has furnished an affidavit dated 16.01.2019 (Annexure P-2), wherein he has deposed that he had never gone to the spot and did not know about the incident. The petitioner has falsely been implicated in the case.

I have heard learned counsel for the petitioner.

The complainant has made specific allegations against the petitioner that while she was on her way, the petitioner stopped her, caught hold of her from her arm and dragged her towards the fields. He also tried to

outrage her modesty and gave bites on her hand, breasts, face and other parts of her body. The argument of learned counsel for the petitioner that Jagsir Singh has furnished an affidavit (Annexure P-2) that he was not present at the scene of occurrence and even did not know about the incident, cannot be accepted at this stage. The aforesaid affidavit was not produced by the petitioner before learned Additional Sessions Judge, Sri Muktsar Sahib at the time when his application for anticipatory bail was dismissed on 16.01.2019. Moreover, the said order dated 16.01.2019 passed by learned Additional Sessions Judge, Sri Muktsar Sahib shows that the complainant has reiterated her allegations in her statement recorded before learned Magistrate under Section 164 Cr.P.C. Even the allegations made by the complainant are also supported by medical evidence. No previous enmity of any kind between the complainant and the petitioner has been alleged or established in the case.

Therefore, this Court finds that no ground is made out for grant of anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

February 01, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No