

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-8459 of 2019 (O&M)
Date of decision : April 29, 2019

Baljinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms Riffi Bala Birla, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State with
ASI mohinder Singh, PS Guruharshai, District Ferozepur.

Fateh Deep Singh, J. (Oral)

Petitioner Baljinder Singh has sought anticipatory bail with the aid of Section 438 of the Code of Criminal Procedure in case FIR No. 115 dated 5.8.2017 under Sections 452,376-D IPC, Police Station Guruharshai, District Ferozepur.

The allegations have been levelled by a married lady aged around 34 years. In her allegations the complainant claims that she was married to Major Singh since about 15 years out of which couple had two children. On 1.8.2017 around morning at about 10.00 AM while she was alone at home and was cleaning her house, one person tress-passed into

their house and caught hold of the complainant from the arms and threw her on the ground followed by present petitioner and latter bolted the door of the room and when the complainant tried to rescue herself, the identity of the first person was revealed as Rinku. The complainant alleges that the present petitioner after breaking open the string of her salwar defiled her against her wishes leading to the registration of the present case.

Ms Riffi Bala Birla, Advocate, for the petitioner has argued that the petitioner too has lodged a cross version by way of FIR No. 114 dated 5.8.2017 under Sections 323, 341, 148, 149 IPC with Police Station Guruharshai against Lal Singh, Raj Singh, Gagandeep Singh for causing injuries to the petitioner and therefore, being version and cross-version, the petitioner has been falsely implicated and her medical evidence does not suggest that the complainant has been ravished.

On behalf of the State, Mr. Avtar Singh Sandhu, Addl. AG Punjab has opposed the relief on the grounds that the cross-version by the petitioner has come belatedly and that there are specific and clear-cut allegations levelled by the complainant side against the petitioner and therefore, custodial interrogation is very much essential in view of heinousness of the offence.

Going through the submissions, the present case though pertains to an incident that took place on 1.8.2017 at 10.00 AM morning whereas the cross-version claimed to have been got registered by the present petitioner is on that very day at about 12.00 PM and is against one Lal

Singh, Raj Singh and Gagandeep Singh. The query posed to the counsel for the petitioner how and in what manner, the allegations in these two FIRs tantamount to version and cross-version, counsel for the petitioner was at loss of words. The accused in the FIR got lodged as claimed by the petitioner could not be connected with the present case. In view of heinousness of crime and seriousness of allegations dis-entitles the petitioner to any relief and thus, the present petition being without merits stands dismissed.

April 29, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No