

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-16136 of 2019

Date of Decision: April 12, 2019

Lakhwinder Singh @ Rimpa

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Parteek Pandit, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab..

FATEH DEEP SINGH, J. (Oral)

The allegations in this first regular bail application under Section 439 Cr.P.C. moved in FIR No. 126 dated 12.10.2018 under Sections 323, 354-B, 376-D and 506 IPC and Sections 21, 22, 29 of NDPS Act, 1985 registered at Police Station District Kapurthala have come about by the complainant an unmarried girl aged 24 years (earlier shown to be 25 years). The allegations are that the complainant came in contact with one Bola, co-accused of petitioner Lakhwinder Singh @ Rimpa alongwith Swaran Singh (both non-applications) and influenced her and hooked her to drugs. It is during the course of events, the complainant claims that these accused got her entangled with accused Jasvir Singh @ Shiri who developed physical relations

with the complainant and upon threatening the complainant and blackmailing her had been defiling her. It was on 10th October, 2018 while a function was going on when Jasvir Singh @ Shiri called the complainant out and on some pretext took her to the fields where Sonu and four other boys whom the complainant claims she can identify were present and all of them ravaged the complainant and, subsequently, on the complaint of the complainant, the present case was got registered.

Mr. Parteek Pandit, learned counsel for the contends that besides the present FIR No. 126 dated 12.10.2018, under Sections 323, 354-B, 376-D and 506 IPC and Sections 21, 22, 29 of NDPS Act, 1985 registered at Police Station District Kapurthala, the complainant has got registered two other FIR's bearing No. 146 dated 08.05.2018 under Sections 376-D and 354 of IPC, Police Station City Khanna and another FIR bearing No. 136 dated 15.07.2018 under Sections 376, 506, 34 and 120-B IPC Police Station Division No. 4 in the Districts Kapurthala, Ludhiana and Jalandhar, respectively against different persons on same allegations, wherein, she has given her marital status differently and had blackmailed the persons at the behest of the police arguing that the petitioner is behind the bars since a long time.

Mr. Saurav Khurana, DAG, Punjab assisted by SI Davinder Singh, Police Station Subhanpur, Kapurthala though the facts detailed by the petitioner counsel in respect of the present case have not been displaced and so the registration of the earlier two cases claimed in the submissions of the counsel for the petitioner but has

forcefully submitted that the complainant who is a habitual addict is being misused by four persons and the seriousness of the allegations, disentitles him to any bail.

Appreciating the submissions, a close look at the allegations contained in the FIR do not spell out the name of the petitioner nor has been attributed any role in the commission of the crime. The petitioner is behind the bars since a long time. It is a matter of evidence which could be adduced at the trial but a debatable issue arises over the averments of the petitioner side that complainant is habitual in blackmailing the people and, thus, a debatable issue arises over the applicability of Section 376-D IPC.

Culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future coupled with the fact that no useful purpose will be served by keeping the petitioner behind the bars. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

April 12, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No