

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43389 of 2018 (O&M)
Date of decision : January 15, 2019

Malkit Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amit Arora, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

The brief allegations in this first regular bail application under Sections 323, 324, 506, 34 IPC (Offences under Sections 307, 376, 365, 120-B IPC added later on), Police Station Rama Mandi, District Jalandhar brought to the notice of the Court are that the petitioner who is aged around 28 years came in contact with the prosecutrix who is aged around 23 years and during the course of their interaction both of them developed physical intimacy for about one and a half years prior to this occurrence. It is subsequently on account of their relations having soured it is alleged on 20.12.2017

around 2.30 PM accused-petitioner along with co-accused non-applicant called the prosecutrix on some false pretext near Jalandhar and both of them forced her to sit on a motor bike when the petitioner tried to blackmail the prosecutrix on the basis of her previous photographs in compromising position and on refusal it is alleged that the petitioner took out a knife and caused her 13 injuries on various parts of the body leading to her hospitalization.

Mr. Amit Arora, counsel for the petitioner submits that the petitioner is in custody since 16.1.2018 for almost one year and that no offence under Sections 307 and 376 IPC is made out and that it was a consensual relationship between the two sides which has been given the twist of physical assault by fabricating the injuries.

Mr. Saurav Khurana, learned State counsel assisted by ASI Jagdish Lal, Police Station Rama Mandi, District Jalandhar has sought to oppose the grant of bail on the grounds that the petitioner has tried to take undue advantage of young girl by first entering into a friendship and thereafter physically abused her and clicked her photographs and then started blackmailing her and if allowed bail the petitioner may influence the trial and prayed for dismissal of the same.

Going through the arguments of the two sides, admittedly it was a consensual relationship at the initial stage and subsequently when the girl has refused to oblige the petitioner, he with a view to

criminally intimidate her physically assaulted her with a knife giving 13 injuries on different parts of her body which are well highlighted in the medico legal report and substantiated in her supplementary statement. The act and conduct of the petitioner is certainly deprecable. The stand of the State that if allowed bail, the petitioner might stifle the trial is certainly not unfounded. Mere incarceration of the petitioner is no extenuating circumstance for grant of bail. Finding no merit, the instant petition is dismissed.

January 15, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No