

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(201)

CRM-M-52529-2018

Date of Decision: 14.03.2019

PALWINDER KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. M.S. Bajwa, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr.DAG Punjab.

Ms. Geeta Sharma, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

1. This petition that has been filed seeking to recall the regular bail that has been allowed to accused in FIR 136 dated 07.06.2014 under Section 376-D IPC at Police Station Bhikhiwind, District Tarn Taran.

2. Learned counsel appearing on behalf of the complainant urges that the order dated 08.08.2018 wherein it has been noted that the statement of the prosecutrix has been recorded before the Trial Court and that she has not supported the version of the prosecution and is against the record. It is argued that based on that statement, respondent No.2 who is an accused in the aforesaid FIR has been allowed regular bail whereas the other co-accused have been denied bail by the Coordinate Bench.

Counsel for petitioner prays for recalling of the said order on

the ground that Jatinder Singh @ Gora/ respondent No.2 accused was involved in a heinous crime and in fact the prosecutrix has categorically supported the case of the prosecution in her statement that was recorded on 06.07.2018 before the Trial Court.

3. Counsel appearing on behalf of accused Jatinder Singh @ Gora/respondent No.2 argues that in fact on the date when the order granting regular bail to respondent No.2 was argued it was brought to the notice of the Court that a CRM-M-7721-2017 titled as Ranjit Singh Vs. State of Punjab had been filed which was a petition for quashing of the FIR based on a compromise entered into between the parties and in that quashing petition the prosecutrix had made a statement before the Court that she has compromised the matter and did not want to pursue the said FIR.

4. It was further argued that a CRM-M- 14652-2018 had been filed in this Court placing on record the statement of the prosecutrix recorded before the trial Court by way of filing an CRM-27363-2018 and therefore there was no concealment of facts as has been alleged by the counsel for the complainant seeking recalling of the order dated 08.08.2018.

5. Counsel appearing on behalf of respondent-State would argue that a criminal miscellaneous application seeking permission to place on record the statement of the prosecutrix was not in her possession as the same had been supplied in the Office of Advocate General, Punjab and was not placed on the record available with her.

6. I have heard the learned counsel for the parties and the question before this Court is whether the regular bail that has already been allowed to the respondent No.2 petitioner herein ought to be recalled on the ground that false statement has been made by counsel for the complainant at the

relevant time and while also taking into account that the co-accused have not been allowed regular bail by a Coordinate Bench of this Court.

7. Admittedly, Regular Bail has been allowed to accused Jatinder Singh @ Gora in FIR 136 dated 07.06.2014 under Section 376-D IPC at Police Station Bhikhiwind, District Tarn Taran. This Court on 08.08.2018 has taken into account the statement of the prosecutrix in which she had got her statement recorded in a petition filed for quashing of the FIR based on a compromise and in that statement she has categorically deposed that she was making a statement with her own free will and the compromise between the parties had been entered into without any coercion and influence from any corner. It appears that the statement of the prosecutrix before the trial Court was not pointed out. While allowing the bail application this Court had taken into account the statement of the prosecutrix stating she had compromised the matter of her own free will. However, this Court is of the opinion that even though prosecution supported the version of the prosecutrix, the bail allowed to the accused ought not to be cancelled on the ground that she has supported the prosecution. There are two statements on record. Even in her statement recorded before the trial Court, she has not denied the statement made under Section 164 Cr.P.C Ex PW2/C. In fact she had admitted her signatures in the statement recorded by JMIC Patti. There is nothing on the record to substantiate that after bail has been allowed to accused Jatinder Singh @ Gora he has misused the said regular bail allowed to him. Moreover, in case if accused Jatinder Singh @ Gora is found guilty of the offences charged with, he will face the consequences of the same.

8. Application for recalling the order stands dismissed

accordingly.

9. Before disposing of this application the trial Court is directed to expedite the trial.

14.03.2019

tarun

Whether speaking/reasoned
Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes/No
Yes/No