

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32758-2019 (O&M)
Date of Decision:-22.8.2019

Amandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Rajbir Singh.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.38 dated 19.6.2019 at Police Station Bariwala, District Sri Muktsar Sahib under Sections 376 and 511 of Indian Penal Code.

The FIR was lodged at the instance of Arashdeep Kaur, wherein it has been alleged that on 18.6.2019 at about 8:30 PM, when she was alone in her house, then Amandeep Singh (petitioner), who resides in the same street, where the complainant resides, entered into her house and asked about complainant's husband and when the complainant replied that her husband was away to work, the said Amandeep Singh followed the complainant in the room and held her in a hugging manner from the rear and attempted to rape

her. It is alleged that in the meantime complainant's husband also came there and upon hearing the hue and cry of the complainant, the accused ran away from the spot. It is further alleged that during the scuffle the accused also tore the shirt, which the complainant was wearing.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is highly unlikely that the complainant's husband would have returned home at the very moment when the petitioner is alleged to have made an attempt to commit rape. It has further been submitted that since nothing is to be recovered from the petitioner, there is no case warranting custodial interrogation.

Opposing the petition, the learned State counsel has submitted that since serious allegations have been levelled against the petitioner, no case for grant of anticipatory bail is made out.

Having considered rival submissions addressed before this Court, this Court finds that it would certainly be a matter of evidence as to whether the allegations as levelled by the complainant do carry any substance or not. Further, it is certainly not a case which would warrant custodial interrogation as nothing is to be recovered from the petitioner. Consequently, the present petition is accepted and the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

22.8.2019

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No