

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

CRM-M-33476-2019 (O&M)
Date of Decision:- 3.12.2019

Paramjit Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sidhu, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab,
assisted by HC Malkiat Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioners-Paramjit Singh and Shama Singh @ Sham Singh, seek grant of anticipatory bail in a case registered vide FIR No.73, dated 22.5.2018, registered at Police Station Dharamkot, District Moga, under Section 376 IPC wherein they have been summoned by the Trial Court with the aid of Section 319 Cr.P.C. vide order dated 3.6.2019.

2. The FIR was lodged at the instance of the prosecutrix wherein she alleged that accused Yahuna and other members of his family and some unknown persons had administered some intoxicating substance to her forcibly and had taken her to Mansa where she was sexually abused for 35 days.
3. Although, the petitioners are not named in the FIR and challan was presented only against Yahuna but after framing of charges and after recording statement of the prosecutrix an application under Section 319 Cr.P.C. was filed which was accepted and the present petitioners were also summoned.
4. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case solely on account of the fact that they happen to be real brothers of the main accused namely Yahuna. It has further been submitted that since the petitioners in any case have appeared before the Trial Court, their detention is not required and as such they deserve the concession of anticipatory bail.
5. Opposing the petition learned State counsel has submitted that although the petitioners are not named in the FIR but the prosecutrix in her statement recorded in terms of Section 164 Cr.P.C. had specifically named the petitioners to be the co-accused who had sexually assaulted her along with the main accused Yahuna.
6. I have considered rival submissions addressed before this court. The petitioners have been summoned with the aid of Section 319 Cr.P.C. Since the trial is already proceeding pursuant to filing of charge sheet, it is certainly not a case where any custodial interrogation of

the petitioners is required. The petition, as such, is accepted. The petitioners are directed to appear before the Trial court within one week from today. The trial Court shall release them on bail subject to their furnishing bail bonds and surety bonds to its satisfaction.

December 3, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No