

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

CRM-M-34835-2019 (O&M)
Date of Decision:-2.9.2019

Jobanjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Arora, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Sukhwant Singh.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.29 dated 19.3.2019 under Sections 363, 366, 376, 506 and 120-B IPC at Police Station Jhabal, District Tarn Taran.
2. The FIR was registered at the instance of Ramandeep Kaur wherein it has been alleged that she has studied upto class 9th and is presently teaching small children in New Little Flower Public School Sarai Amanat Khan as a private teacher. Jobanjit Singh (petitioner) is her neighbour having his house towards the back of their house and is already married having two children. The wife and children of Jobanjit Singh used to go to Amritsar for taking medicine. Since the complainant was also having some pain in her ears, she told her mother that she also wanted to take medicine from Amritsar, upon which her mother told her to go alongwith Jobanjit Singh, his

wife and children in their car and consequently about 10-12 days earlier, she went along with them and took medicine from Amritsar. It is alleged that on 18.3.2019, Jobanjit Singh came to her school and told her that he has to go to Amritsar to take medicine for his wife and the complainant after taking permission from her mother accompanied him. It is alleged that the complainant, however, took her to the house of his relative/friend Jatinder Singh and shortly thereafter, Jatinder Singh left alongwith his wife on the pretext of going to market. It is alleged that Jobanjit Singh, thereafter, closed the door and committed rape upon her. It is alleged that thereafter Jobanjit Singh took her to village Sursingh from where he picked up his wife and children and went to Amritsar for taking medicine and after returning back home, she disclosed about the entire incident to her mother Jasbir Kaur. Since her father was not present at home, they did not go to the police station immediately and it was on the next day that the prosecutrix alongwith her parents went to the police station and reported the matter.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the MLR, no injury was found on the person of the deceased so as to suggest that any forcible sexual intercourse had taken place. It has further been submitted that the prosecutrix, in any case, is aged more than 18 years and that in these circumstances, in the absence of any evidence regarding forcible sexual intercourse, the petitioner cannot be said to have committed any offence under Section 376 Cr.P.C.
4. Opposing the petition, the learned State counsel has submitted that specific and categoric allegations have been levelled against the petitioner, the same

cannot be said to be false at this stage, given the fact that the main report pertaining to medical examination of prosecutrix indicates presence of some edema on the torn edges of Hymen.

5. Having regard to the facts and circumstances of the case and bearing in mind the nature of allegations wherein the prosecutrix has stated in unambiguous terms that she was raped by the petitioner, this Court does not find any special case for grant of anticipatory bail.
6. The petition is sans any merit and is dismissed.

2.9.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No