

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-42393 of 2019

Date of Decision: 18.12.2019

Gurpreet Singh @ Laddi

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.74 dated 07.07.2019 under Sections 376, 506 IPC registered at Police Station Lohian, District Jalandhar Rural.

The aforesaid FIR was registered at the behest of the prosecutrix. As per the FIR, on 28.06.2019 at about 7.45 A.M., the prosecutrix received a phone call from Kidney Hospital, Jalandhar, where she was employed. Accordingly, on 29.06.2019 at about 8-00 A.M., she went to Railway Station, Lohian along with her father, who after dropping her there returned back. The prosecutrix was sitting there waiting for the train, when Gurpreet Singh @ Laddi came there and asked her to accompany him to Jalandhar on his motorcycle. The prosecutrix refused to accompany him, but he insisted her to go with him. He told her that he is

also going to Kidney Hospital, Jalandhar so as to take medicines and in case she accompanies him, it will be easy for him to get medicines from the hospital. Upon this, the prosecutrix went with Gurpreet Singh on his motorcycle to Jalandhar. On reaching Jalandhar, Gurpreet Singh gave her a bottle of water to drink. On consuming the same, she started feeling unconscious. Thereafter, she did not know where the petitioner had taken her away. After some time, when she gained consciousness, she found that she was not in the hospital and asked the petitioner as to where he has brought her and told him to take her to her house. Thereafter, she again became unconscious. Gurpreet Singh committed excesses with the prosecutrix despite the protests made by her. He even threatened to eliminate her. In this manner, the petitioner has developed physical relations with the prosecutrix against her consent. On 06.07.2019 at about 4-00 a.m. when the prosecutrix regained consciousness, she found herself at Sri harimandir Sahib, Amritsar, from where she made a phone call from the mobile phone of a lady and told the entire happenings to her parents.

Learned counsel for the petitioner has argued that the prosecutrix has made improvement in the statement recorded under Section 164 CrPC. There is no medical evidence so as to substantiate the fact that she was subjected to sexual assault or physical violence upon her. Moreover, the alleged date of incident is 29.06.2019 whereas the present FIR was registered on 07.07.2019. It is not the case of the prosecution that after 29.06.2019, she never gained consciousness and during the period she was conscious, she never reported the matter to the police or any other appropriate authority. The petitioner is in custody since 07.07.2019.

Learned State counsel, on instructions from ASI Gursharan Singh, does not dispute the custody of the petitioner. He has argued that the petitioner had taken the prosecutrix on his motorcycle on the pretext that they had to go to same hospital, where the prosecutrix was working, but instead of taking her to the hospital, he took her to some different place, where he committed sexual assault upon her. He further submitted that the FSL report of the prosecutrix is awaited in the case.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 07.07.2019 and the FSL report of the prosecutrix is still awaited. There seems to be some improvement in the statement of the prosecutrix in the initial version, which is the very basis of the FIR and the statement of the prosecutrix recorded under Section 164 CrPC. Considering the fact that FSL report is awaited and culpability of the petitioner is yet to be established during trial and the trial in the case will take sufficiently long time, no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

December 18, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No