

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

CRM-M-43574 of 2019.

Decided on:- October 18, 2019.

Shinghar Chand @ Shahrukh Thind.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.37 dated 23.03.2019 under Sections 376-D, 506, 342 and 120 IPC and Sections 3, 4, 5 and 6 of the Immoral Traffic Act registered at Police Station Kotwali Bathinda, District Bathinda.

The aforesaid FIR was registered at the behest of the prosecutrix. As per the FIR, on 19.01.2019 at about 12.30 P.M., accused Rama Keshi daughter of Amar Keshi, who is friend of the prosecutrix, had come to the house of the prosecutrix and offer her that she will arrange for a job for her in a call centre at Chandigarh, where she is already working and knows many persons there. On her asking, the prosecutrix after taking necessary documents visited the house of Rama Keshi and after staying for some time in her house, accused Rama Keshi took her to the house of co-accused Amarjit

Kaur. On asking of accused Rama Keshi, the prosecutrix started living at the house of co-accused Amarjit Kaur and started working there. The accused were keeping the prosecutrix in their house, but she was not allowed to go out of the house. On 1-2 February, 2019, accused Jassi and Shahrukh (petitioner herein) came to the house of co-accused Amarjit Kaur in a car. These accused took the prosecutrix, Amarjit Kaur and Rama Keshi to Krishna Continental Hotel at about 11.30 P.M., where Ali and Vicky, other accused, were already there. They booked two rooms in the hotel. Thus, all of them had gone to one room, where party was started and they all consumed liquor. Even the prosecutrix was also forced to take liquor. Thereafter, Ali took the prosecutrix to the other room, where he established physical relationship with her against her wishes. After that, petitioner-accused Shahrukh and other co-accused, namely, Vicky and Jassi also made physical relations with her turn by turn against her wishes. Thereafter, at about 03.00 A.M., they all came out from the hotel and went to the house of accused Amarjit Kaur in a car, where the prosecutrix was threatened not to disclose about the occurrence. Thereafter, Avtar Singh, Azad, Pappu, Shinda and other unknown persons visited the house of accused Amarjit Kaur on different days and forcibly made physical relations with the prosecutrix against her wishes.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on the basis of suspicion, though he has not committed the offence alleged in the F.I.R. The prosecutrix has alleged that rape was committed upon her on 1-2 February, 2019, but the

present FIR was registered against the petitioner on 23.03.2019 i.e. after a delay of about two months.

Having heard learned counsel for the petitioner and considering the fact that serious and specific allegations have been levelled against the petitioner for commission of rape upon the prosecutrix, this Court finds that no ground is made out to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

October 18, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No