

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-56007 of 2018(O&M)
Date of decision : August 26, 2019

Saroj Tiwari

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms Alisha Soni, Advocate, for the petitioner
Mr. Harbir Sandhu, AAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

The present case was got registered by complainant Naginder Singh owner of a private factory alleging that on 4.6.2018, he was intimidated by his worker that 10-12 persons with muffled faces tress passed into factory and after tying the workers looted articles lying therein. It is therein after the registration of the FIR, statement of one of the victim, a married lady aged 40 years, was recorded alleging that at the time of this occurrence, she was confined in a room forcibly and was ravaged by six persons. It is thereafter the

accused made an extra judicial confession before one Attar Singh, a Tailor Master detailing the manner in which they had committed dacoity and had defiled the lady worker against her wishes and thereafter fled from the spot. Statement of the prosecutrix was also recorded before the Judicial Magistrate under Section 164 Cr.P.C. It is thereafter the petitioner was arrested and the present bail application has come up.

Learned counsel for the petitioner inter-alia submits that at the initial stage no allegations of gang rape have come about and it is belatedly to strengthen the case of the prosecution, it has been fabricated. Further-more it is alleged that none of the accused have either been claimed or identified and the alleged extra judicial confession is a weak piece of evidence and since the petitioner is behind bars, entails him to bail.

Learned State counsel has led a vociferous assertion opposing the relief on the grounds that the investigations are under way and in view of heinousness of the offence and the likelihood that if the petitioner is released on bail would certainly hamper the fair investigations and the trial as he is involved in other similar criminal cases.

In the light of what has been brought to the notice of this

Court, the criminal track record of the petitioner, the allegations of gang rape deters this Court from acceding to the prayer of the petitioner. In view of heinousness of the offence and apprehension of the State, the present bail application stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

August 26, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No