

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

CRM-M No.16992 of 2020 (O&M)
DATE OF DECISION: 05.10.2020

JaspalPetitioner

versus

State of PunjabRespondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kuljit Singh Bal, Advocate for the petitioner
Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab

..

ALKA SARIN, J.:

The matter was heard through video conferencing.

CRM-22800 of 2020

This is an application for addition of Section 452 IPC in the headnote and prayer clause of the main petition.

For the reasons mentioned in the application, the same is allowed as prayed for.

CRM-M-16992 of 2020 (main case)

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 (CrPC) for grant of regular bail to the petitioner in FIR

No.76 dated 19.07.2019 under Sections 376, 506 of the Indian Penal Code, 1860 registered at Police Station Khilchian, Amritsar Rural, Amritsar.

The learned counsel for the petitioner has contended that false allegations have been made by the complainant in the FIR. He has firstly referred to the fact that in the FIR it has been stated that the petitioner has been employed by Dharamveer Singh, uncle of the complainant, whereas, as per Annexure P/2, the petitioner is a partner to the extent of fifty per cent in the business and not an employee of the uncle of complainant, as alleged. In support of his argument he has annexed the Partnership Deed as Annexure P/2. The learned counsel for the petitioner would further contend that the allegation in the FIR is that the complainant and her husband got a divorce and thereafter the petitioner had promised the complainant that he would marry her. The date of the occurrence is alleged to be 09.06.2019 i.e. after the complainant had got a divorce from her husband, whereas, as per the reply filed by the State the so-called divorce had taken place by way of an agreement executed on 13.06.2019. The further contention of the learned counsel for the petitioner is that both the allegations made by the complainant in the FIR are patently false and the version of the complainant is unbelievable.

A status report has been filed by the State wherein it has been stated that the complainant has supported the version of the Prosecution in her statement under Section 164 CrPC. Further, it has been stated that every effort was made to arrest the petitioner but he absconded and avoided arrest and was declared a Proclaimed Offender on 08.01.2020 in the

present case by the Court of SDJM, Baba Bakala Sahib. The petitioner surrendered on 11.02.2020 before the Court of SDJM, Baba Bakala Sahib and was arrested. Challan has been presented on 26.02.2020.

I have heard the learned counsel for the parties.

In the present case, a perusal of the office note reveals that CRM-M No.51129 of 2019 was filed by the petitioner for grant of anticipatory bail. In the said case, no relief was granted to the petitioner. However, the said petition is still pending for 18.12.2020. No mention about the pending case has been made in the present petition. Further, the petitioner chose not to mention and disclose the fact regarding his having been declared a Proclaimed Offender on 08.01.2020. Still further, the allegations in the FIR are of a serious nature, inasmuch as, it has been alleged in the FIR that on 09.06.2019 the petitioner had visited the house of the complainant in a routine manner and, when she was alone at home, he forcibly took her in a room and committed rape upon her and thereafter prevented her from narrating the incident to anyone on the false promise of marriage. It has further been alleged that thereafter the petitioner refused to marry the complainant and threatened to kill her in case she mentioned about the incident to anyone.

In view of the discussion above, I do not deem this to be a fit case for grant of bail to the petitioner.

The petition is accordingly dismissed. It is, however, made clear that nothing observed herein shall be deemed to be an expression of opinion on the merits of the case.

**(ALKA SARIN)
JUDGE**

05.10.2020

parkash

-

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO