

S.No.107

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

CRM-M-20500 of 2020 (O&M)

Date of Decision:27.07.2020

Gopal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.120 dated 27.05.2020 registered under Sections 195-A, 295-A, 365, 269, 270, 188, 506, 120-B IPC, Section 51 of Disaster Management Act, 2005 and Section 3 of Epidemic Diseases Act, 1897 at Police Station Lopoke, District Amritsar Rural, District Amritsar.

It is contended by counsel for the petitioner that the case against the petitioner is totally false. The petitioner is only a labourer. The petitioner has no concern with the affairs of the Ashram/ Temple. The complainant along with one more lady herself had lodged a rape case against two persons connected with the management of the Ashram. Having compromised the matter with them, the case has been created against the petitioner and two more persons just to extract money from the petitioner. Nothing is to be recovered in the matter because the case is based only on the statement of the complainant. There is no other case against the

petitioner. Hence, the petitioner deserves concession of bail.

Notice of motion.

Mr. V.G. Jauhar, Sr. DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, being instructed by SI Karam Pal Singh Randhawa, submits that there are specific allegations against the petitioner. In fact, the fabrication of the rape case was manipulated through petitioner only. However, it is not disputed that the only allegation against the petitioner is that the complainant had met the petitioner and he had asked her to do some act regarding registration of the case. Therefore, nothing, as such, is required to be recovered from the petitioner. It is also not disputed that there is no other case against the petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

July 27, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No