

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

CRM-M-21645-2020 (O&M)
Date of Decision:- 10.9.2020

Makhan Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Brar, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.29 dated 24.5.2020 under Sections 376/506 IPC at Police Station Aur, District SBS Nagar.
2. The allegations levelled in the FIR at the instance of prosecutrix is to the effect that marriage of the prosecutrix was solemnized with Harvinder Singh on 15.12.2019 and that she alongwith her husband Harvinder Singh, her father-in-law Makhan Singh and mother-in-law Harpal Kaur resided together. It is alleged that her father-in-law kept an evil eye on her. The prosecutrix alleged that her father-in-law (petitioner) had molested her on two occasions earlier and she had disclosed about the same to her husband, who told her to keep quiet. It is further alleged that on 23.5.2020, her father-in-law had raped her and although she narrated the incident to her mother-in-law but she also told her to remain silent. It is further stated therein that on

24.5.2020, she installed a mobile phone in her room for the purpose of 'video recording' and that her father-in-law came into her room and the entire incident has been recorded in the video.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case mainly on account of property dispute as the prosecutrix and her husband i.e. complainant's son are pressurising the petitioner to part away with his property to the exclusion of other son of the petitioner. It has further been submitted that infact the alleged video recording does not show that the petitioner has used any kind of force upon the prosecutrix or had molested her.
4. Opposing the petition, the learned State counsel has submitted that in view of the serious nature of allegations levelled in the FIR, no special case for grant of anticipatory bail is made out. The learned State counsel, upon instructions from ASI Harjinder Singh has, however, informed that the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. At this stage, the truthfulness or the veracity of the version of the prosecutrix as put forth in the FIR cannot be ascertained. The possibility of the same being false cannot even be ruled out, there being some kind of property dispute within the family itself. The video recording (Annexure P-5) does not reflect that the petitioner has used any force or that he has committed the offence of rape and infact the recording appears to be stage-managed and at one point of time it looks as if the prosecutrix is pulling the petitioner towards bed. In any case, since the petitioner has joined investigation and is not required for any interrogation, the petition is accepted and the interim

directions issued by this Court vide order dated 5.8.2020 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

10.9.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No