

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

CRM-M-26990-2020(O&M)

Date of decision: 15.9.2020

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.B.S.Aulakh, Advocate, for the petitioner
 Ms. Samina Dhir, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No. 71 dated 28.8.2019 registered under Section 376, 366, 120-B IPC at Police Station Lakhewali, District Sri Muktsar Sahib.

In the present case, the FIR was registered by Sh. Bhagwan Singh alleging that on 26.8.2019 when he woke up in the morning, he did not find Sandeep Kaur, his daughter, in her bed. He alleged that his daughter has been enticed away on the pretext of marriage.

The petitioner is in detention for more than one year. Learned counsel for the petitioner has drawn attention of the Court to the history recorded by the officials of Punjab Health System Corporation while conducting the medical examination of the prosecutrix, which is extracted as under:-

“Pt presented to emergency with alleged H/o Sexual Assault on 2/9/19 at 11:30 A.M. She is unmarried & 19 y/F. Calm conscious cooperative well oriented to time, place and person. She is moderately built & nourished. She is brought to hospital by police accompanied by her mother. As per history narrated by patient, she is in relationship with Gurwinder Singh from last 4.5 m but having no sexual contact. On 26/8/19 at 4:30 AM she left her house with Gurpreet Singh (friend of Gurwinder Singh) on bike and boarded bus from Kotkapura to Anandpur Sahib

and reached there at 3:30 PM went to Gurudwara Sahib there and then to a room where she was assaulted by Gurpreet Singh at night on 26/8/19. On next day she went to Sirsa to meet Gurwinder Singh came back to Mansa Gurudwara Sahib and from there on morning 28/8/19 reached Anandpur Sahib. Stayed there for one day. On 29/8/19 at around 7:30 AM Gurwinder Singh came to Anandpur Sahib from where he went to into room and they have sexual contact with consent of patient and then she was brought to house.”

Learned counsel for the petitioner further contends that the prosecutrix is not coming forward to depose in the Court, although she has been granted 15 opportunities.

On the other hand, learned counsel for the State has opposed the prayer for bail on the ground that there are specific allegations in the FIR against the petitioner.

Be that as it may. The fact that the prosecutrix is reluctant to come forward to depose in the Court is sufficient to create a doubt about the correctness of her allegations. The petitioner is in custody for a period of more than one year. The co-accused of the petitioner- Gurwinder Singh has already been granted concession of bail by this Court vide order dated 29.7.2020 while disposing of CRM-M-14117-2020.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

15.9.2020

rekha

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)

JUDGE