

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

CRM No.M-28144 of 2020

Date of Decision: September 21, 2020

Manpreet Singh @ Mani

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Pardhuman Garg, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.19 dated 19.01.2020 under Sections 376, 328,323 and 506 IPC, registered at Police Station Sadar Dhuri, District Sangrur.

Notice of motion.

Mr.Saurav Khurana, DAG, Punjab, accepts notice on behalf of the respondent-State. Even, Ms.Alisha Monga, has appeared on behalf of the complainant.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The aforesaid case was registered at the instance of prosecutrix, who is aged about 30 years and having one son aged about 8 years, while

her husband had died four years ago. She was residing at her parental home

in village Dhuri and during the stay, she got acquaintance with Manpreet Singh @ Manni son of Kulwant Singh. It is the version of the prosecution that about 3-4 days prior to the registration of the FIR, Manpreet Singh had apprised the prosecutrix about the ill health of his mother, on account of which, on 18.01.2020 at about 2.00 p.m., Manpreet Singh had taken the prosecutrix to his village Rangian on his motorcycle. However, therein Manpreet Singh had given cold drink and after having the same, prosecutrix got unconscious. Complainant had also told Manpreet Singh to call his mother and then Manpreet Singh slapped her and raped against her consent and also threatened the prosecutrix that if she disclosed the same to anybody, then she shall be done to death. Thereafter, Manpreet Singh had dropped the prosecutrix at her village.

Now, it is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. In fact, it is submitted that FIR in question is result of deep-rooted conspiracy hatched by Rajinder Singh @ Raju Khalsa and Shavinder Singh @ Pal, who are influential people and have been involved in FIR No.137 dated 22.05.2020 under Sections 302, 365, 342 and 34 IPC registered at the instance of Manpreet Singh-present petitioner against Bhag Singh, Lakhbir Singh, Lakhwinder Kaur, Rajinder Singh @ Raju Khalsa, Shavinder Singh @ Pal and Sarabjit Kaur. However, now to exert pressure upon the petitioner, the present FIR has been got registered. Also, it is submitted that complainant herself has stated about the manner of false implication of the petitioner and in this regard, even learned counsel for the petitioner has drawn the attention of the Court to the affidavit of the prosecutrix, which has been

complainant states about the said affidavit to have been so furnished by the complainant-prosecutrix.

However, learned State counsel resisted the claim of the petitioner. He submits that the genuineness of the affidavit allegedly executed by the prosecutrix is yet to be ascertained. Though, challan has been presented but charge has not yet been framed. As such, learned State counsel submits that since offences are of grave nature, therefore, no case is made out to grant bail to the petitioner.

Though, the plea of false implication has been raised at the instance of the petitioner but however, this plea can only be appraised, after the evidence is brought on record and even, genuineness of the affidavit can only be ascertained, during the course of trial. Though, challan has been presented but charges are yet to be framed. The statement of the complainant has also not been recorded so far. In these circumstances, it is too early to comment upon the genuineness of the affidavit, so relied upon by learned counsel for the petitioner. In the given circumstances, even the winning over of the complainant, as such, cannot be ruled out.

Considering the same and in view of the grave nature of the allegations, no ground is made out for grant of regular bail to the petitioner.

Consequently, finding no merit in the present petition, the same is dismissed.

(ARCHANA PURI)
JUDGE

September 21, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No