

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

Criminal Misc. No.M-28478 of 2020(O&M)

Date of Decision: September 22, 2020

Paramjit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.R.N.Lohan, Advocate for the petitioner.

Mr.Sanjay Mittal, Addl. AG, Haryana.

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.136 dated 13.05.2020 under Sections 341, 354-A, 376(2)(n) and 506 IPC, Police Station Safidon, District Jind.

The allegations against the petitioner in the FIR are that on 11.05.2020 at about 5.30 AM, when the prosecutrix was coming back after putting cow-dung at the corral (bada) she was caught hold by the petitioner, who forcibly dragged into the corral where she was molested and raped. She raised noise, which attracted Naresh and Harpreet sons of the elder brother of her husband. On seeing them the accused ran away. Before going he threatened to kill the prosecutrix in case she complained about the incident to anybody. It was also stated that earlier also an FIR was lodged against the accused but the matter was compromised in the Panchayat. It was requested that action be taken.

Ld. Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. It is argued that it is not possible for a single person to drag a healthy and young lady to the corral and yet no injury is

found on the body of the prosecutrix. Though, the incident is alleged to have taken place on 11.05.2020, yet the complaint was made on 13.05.2020 and FIR was also registered on 13.05.2020.

It is the case of the petitioner that the complainant in collusion with her family members has made the allegations as a counter-blast to the injuries caused to the petitioner by the family members of the complainant i.e. Robin, Ajmer, Ajay, Suresh, Krishan, Parvesh, Riku, Sawan, Mohit, Sahil, Rahul and Arprit on 11.05.2020, wherein, the petitioner had suffered several injuries and he was taken to Civil Hospital, Safidon by his brother. The doctor found three injuries on the body of the petitioner as per MLR dated 11.05.2020 (Annexure P-3). Statement of the petitioner was also recorded by ASI Ramesh Kumar on 11.05.2020. However, no action was taken by the Police and for the said incident, father of the petitioner has filed a complaint titled “Satyawar vs. Robin and others” which is pending in the Court of Sub Divisional Judicial Magistrate, Safidon.

It is argued that later, after two days, the false FIR has been got registered against the petitioner by the complainant. Ld. Counsel stated that prior to the present incident, FIR No.67 dated 22.09.2016 under Sections 376, 452 and 506 IPC was got registered by the prosecutrix against the petitioner at Police Station Women, Jind. Later a compromise was effected with the intervention of the Panchayat and the petitioner was acquitted by the Trial Court vide judgment dated 24.07.2017.

He also argued that the contents of the FIR are contrary to her statement under Section 161 Cr. P.C recorded on 14.05.2020 where the prosecutrix stated that when she was coming from the corral (bada) after throwing cow dung, the petitioner caught hold of her, laid her on the ground and dragged her under an empty trolley near the corral and forcibly raped her

under the trolley. When she raised noise her nephews came there and rescued her. It is argued that the investigation is complete and challan has been presented in the Court. The petitioner is in custody since 05.06.2020.

Having heard Ld. Counsel for the petitioner I feel that no case for grant of bail to the petitioner is made out at this stage. The allegations against the petitioner are of forcibly committing rape on the complainant. The fact that there is variation in the FIR and in her statement under Section 161 Cr. P.C is not sufficient to disbelieve her version about the rape having been committed. Nor can such an inference be drawn from her statement in the previous case that her complaint was false and under pressure of her family members. There is no reason for the complainant to make a false complaint of rape against the petitioner. The complainant has not yet been examined.

Accordingly this petition is dismissed.

September 22, 2020
manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No