

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

101

CRM-M-7929-2021.

Date of Decision: 19.02.2021.

Daljit Kaur @ Babbi @ Kuljit Kaur

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Rishu Mahajan, Advocate for petitioner.

Lalit Batra, J.(Oral)

This petition under Section 438 Cr.P.C. has been moved by petitioner for grant of pre-arrest bail in case FIR No.313 dated 12.09.2020 under Sections 120-B, 201, 366 and 376 IPC and Section 67 of Information Technology Act, 2000, registered at Police Station Jandiala, District Amritsar.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that as per allegations, on 10.07.2020, co-accused Harinder Pal Singh @ Pindu and Sandeep Kaur brought the prosecutrix at the house of petitioner, where she was given intoxicated drink and thereby she fell unconscious and then she was raped by co-accused Harinder Pal Singh @ Pindu. He further urges that no such incident, as alleged in the FIR, had ever taken place. He further urges that instant case pertains to a couple who was in relationship, but when relations

as accused. He further urges that co-accused Dalbir Kaur has already been extended concession of pre-arrest bail by this Court, vide order dated 16.12.2020 passed in CRM-M-34489-2020. He further submits that though petitioner has no nexus whatsoever with the alleged offence, she is ready to join investigation as and when called upon to do so by the Investigating Agency, thus, concession of pre-arrest bail may be extended to her.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Addl. A.G., Punjab, accepts notice on behalf of respondent-State. Complete copy of paperbook has been supplied to him.

Learned State counsel while opposing the cause of petitioner has vehemently argued that in view of nature of offence committed by the petitioner, her custodial interrogation is required to unearth the truth and as such she is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the petitioner as well as learned State counsel and have carefully gone through the contents of petition.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly co-accused namely Harinder Pal Singh @ Pindu and Sandeep Kaur brought the prosecutrix to the house of petitioner, where prosecutrix was given intoxicated drink by them and when she fell unconscious, co-accused Harinder Pal Singh @ Pindu forcibly raped her and clicked her objectionable photographs. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly

custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for her entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

19.02.2021

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No