

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

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**CRM-M-8121-2021
Decided on : 14.12.2021**

Ratti Ram and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. S.S. Kamboj, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Subhmander Singh.

Mr. A.K. Khunger, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 136, dated 09.09.2020, lodged under Sections 376, 450, 506 of IPC, registered at Police Station Bahawala, District Fazilka (Annexure P-1).

Learned counsel for the petitioners submits that in compliance of the order dated 30th July, 2021, they had joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, does not dispute the factum of the petitioners having joined investigation. However, they have vehemently opposed the grant of the extraordinary concession of anticipatory bail to the petitioners. It has been submitted that the prosecutrix was a married woman. While her husband and children were away, both the petitioners climbed into her house and forcibly committed rape upon her. Soon after the occurrence in question, the FIR was registered, wherein, the prosecutrix gave a vivid account of the crime committed by the petitioners.

Learned State counsel while inviting the attention of this Court to the statement of the prosecutrix recorded under Section 164

Cr.P.C. along with reply filed by way of affidavit of Avtar Singh, PPS, DSP (Rural), Abohar, District Fazilka, on behalf of the State, has submitted that the prosecutrix reiterated all the allegations against the petitioners, which had been given at the time of registering the FIR including threats of dire consequences, which had been extended to her by them.

Learned State counsel on instructions has also submitted that petitioner No.1 is a man of criminal antecedents, as he was involved in as many as three other criminal cases, out of which, though in two cases he had since been acquitted.

Learned counsel for the complainant has also submitted that after the registration of the FIR in question, petitioner No.1 has been involved in another crime and an FIR under Section 354 of IPC, stands registered against him on the statement of another woman.

I have heard learned counsel for the parties and perused the material on record.

Prima facie there are serious and specific allegations levelled against the petitioners of having committed rape upon the prosecutrix. Besides, as already submitted by the learned State counsel that petitioner No.1 is a man of criminal antecedents, this Court does not deem it appropriate to extend the extraordinary concession of anticipatory bail to the petitioners.

Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

December 14, 2021

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No