

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

(Sr. No. 111)

CRM-M No. 10146 of 2021 (O&M)

Date of decision : 06.04.2021

Kawaljit Singh @ Prince

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. G.P.S. Bal, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No. 47 dated 08.03.2020 under
Sections 376-D, 506 IPC and Section 66E of IT Act registered at Police
Station “B Division”, Amritsar.

Briefly stated, the case of the prosecution is that the
prosecutrix filed a complaint with the police that Sarpreet Kaur, who used
to study with her, introduced the prosecutrix to Satnam Singh and they got
friendly; during the course of such friendship, the prosecutrix, to run an
errand for her mother, went to Satnam Singh's residence who raped her;
thereafter, he clicked her obscene photographs and started blackmailing

her; then Satnam Singh took the prosecutrix to different places and after blackmailing her had sex with her; on several occasions the petitioner, who was a friend of Satnam Singh's, also raped the prosecutrix after blackmailing her and that the petitioner, along with co-accused Lovepreet Singh, also took obscene photographs of the prosecutrix.

On the basis of the above complaint, the aforesaid FIR was registered against Satnam Singh, Lovepreet Singh and the petitioner.

Learned counsel for the petitioner contends that the prosecutrix, while appearing before the Trial Court has exonerated the petitioner by deposing that she has no friend named Sarpreet Kaur; that she was never introduced to Satnam Singh and that neither Satnam Singh nor any other accused in this case, including the petitioner, has raped her. She also refused to recognise Satnam Singh and Lovepreet Singh.

To the same effect are the depositions of the prosecutrix's mother and father.

Learned State counsel acknowledges the fact that the prosecutrix, her mother and father have not supported the prosecution's case but opposes the grant of anticipatory bail to the petitioner on the ground he has gang raped the prosecutrix.

In the light of the fact that the prosecutrix and both her mother and father, while appearing before the Trial Court as witnesses for the prosecution, have categorically denied that the petitioner committed any rape upon the prosecutrix and that the prosecutrix has even refused to recognise the petitioner's co-accused as also because there is no medical evidence to support the prosecutrix's allegations, this Court is of the view

that the present petition be accepted.

Resultantly, in the event of his arrest in the present case, the petitioner shall be released on anticipatory bail to the satisfaction of the Arresting Officer. However, he shall abide by the conditions provided under Section 438(2) Cr.P.C.

In her complaint to the police the prosecutrix had raised specific allegations of rape against the petitioner, Lovepreet Singh and Satnam Singh. However, while appearing before the Trial Court, she has completely resiled from her aforesaid complaint.

In the light of the above, the State is directed to proceed against the prosecutrix for having lodged a false complaint, in accordance with law.

06.04.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No