

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.17076 of 2021 (O&M)

Date of Decision:27.08.2021

(Heard through VC)

Gursewak Singh @ Bau

..Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Maninder Singh Bajwa, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Vivek Salathia, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.171 dated 13.08.2020 under Sections 376D, 506 IPC and Section 6 of the POCSO Act registered at Police Station Nakodar Sadar, District Jalandhar (Rural).

2. Learned counsel for the petitioner herein would contend the petitioner has been falsely implicated in the said matter and has not committed any offence as alleged in the FIR. It is also submitted that the FIR has been registered after a delay of six months and that the petitioner is ready to join investigation.

3. Learned counsel appearing on behalf of the respondent-State would oppose grant of anticipatory bail to the petitioner by contending that the prosecutrix had made statement before the police on 07.08.2020 that on

22.02.2020 when she was alone in her cottage, petitioner and Rajbir Singh had committed rape upon her. She raised an alarm on account of which her brother arrived at the spot and whereupon the accused persons threatened her and her brother with dire consequences. Thereafter, her brother took her to their village at Burj. There was a lockdown and therefore, they could not report the matter.

4. At this stage, appearance has been caused on behalf of the counsel appearing for the complainant, who would submit that the complainant has been running from pillar to post to have an FIR registered against the culprits. Initially a petition bearing CRM-M No.21597 of 2020 was filed seeking direction under Section 482 Cr.P.C for issuance of a direction to the State authorities to protect life and liberty of the complainant and her family members at the hands of respondents No.6 and 7 therein and to get the medico legal examination of the petitioner therein conducted, with a further prayer to get an FIR registered against respondents No.6 & 7 therein, who were none other than the petitioner herein and one another. The said petition was disposed of with the direction to official respondents to provide protection, while taking note that an FIR had been registered against the petitioner herein at Police Station Bhindi Saidan, District Police Commissionerate Amritsar (Rural). It is also submitted that the complainant had also approached this Court for getting a fair investigation done in the said matter by way of filing CRM-M No.26054 of 2021. It is further submitted that on account of lockdown, the complainant was unable to approach police within time, however, has been pursuing her remedies available to have fair investigation done under the

said FIR.

I have heard learned counsel for the parties and have perused the paper book. The complainant herein has raised allegations of molestation and rape against the petitioner herein and one another, however, there is specific allegation that Rajbir Singh son of Sucha Singh, resident of Village Burj, District Amritsar and Gursewak Singh, petitioner herein, entered into tent of the complainant where Rajbir Singh had forcibly committed rape upon the prosecutrix, while Gursewak Singh was present in the tent and kept watch. Both the accused ran away after giving threats to brother of the complainant, who arrived at the spot after hearing her screams.

In view of the specific allegations levelled against the petitioner herein in the FIR, custodial interrogation of the petitioner herein would be required to investigate the matter. No ground is made out to grant anticipatory bail to the petitioner and therefore, the instant petition stands dismissed.

August 27, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No