208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17233-2021
Date of decision: 12.07.2021

Dinesh Kumar **....Petitioner**

Versus

State of Punjab and another **....Respondents**

CORAM:HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kuldip S. Chaudhary, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Ms. Kiran Verma, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner has filed the present petition praying for grant of anticipatory bail in case FIR No.78 dated 17.03.2021, under Section 376 of Indian Penal Code, at Police Station City Derabassi, SAS Nagar, Mohali.

The FIR in question has been appended as Annexure P-1 with the petition. From the bare perusal of the FIR, the serious allegations are levelled by the complainant wherein she has alleged that the victim has a matrimonial dispute with the husband and there are litigation pending between both. Taking benefit of the same, the petitioner has committed rape with the victim. There are allegations of threatening the victim for not disclosing the same and such incidents have been repeated number of times with the victim.

Learned counsel for the petitioner contends that the petitioner has entered into a compromise with the victim and he has appended the same

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as Annexure P-4 with the petition. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated, thus, he should be granted bail.

Mr. Rana Harjasdeep Singh, DAG, Punjab for the State has placed on record the status report by way of affidavit of Gurbakshish Singh, PPS, Deputy Superintendent of Police, Sub Division, Derabassi, District SAS Nagar, Mohali dated 04.05.2021. It has been mentioned that the statement of the victim under Section 164 Cr.P.C. was recorded wherein she has specifically reiterated the allegations levelled in the FIR. The medical of the victim was conducted and the swabs were sent for FSL examination. It has been further mentioned that investigation is in progress and the report under Section 173 Cr.P.C. is yet to be filed.

I have heard counsel for the parties and perused the record.

The contentions of the petitioner *qua* compromise has no relevance in the case in hand. The main concern of the Court while dealing with the present petition is to ensure a free and fair investigation to unveil the truth. To ensure the same, the Court has to keep in mind the gravity of the offence and the chances of having adverse impact on the investigation in case the petitioner is granted anticipatory bail.

While appreciating the facts and circumstances of the present case, this Court finds that the present petition fails on these parameters. Thus, the petition being devoid of any merits, is hereby, dismissed.

(RAJESH BHARDWAJ)
JUDGE

12.07.2021
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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