

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

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**CRM-M-21227-2021(O&M)
Date of decision: 27.05.2021**

GURBHEJ SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.**

Mr. R.S.Thind, Deputy Advocate General, Punjab

ANIL KSHETARPAL, J. (ORAL)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.33 dated 16.03.2021, registered under Section 376 IPC at Police Station Sarhali, District Tan Taran.

As per the case of the prosecution, the husband of the prosecutrix lives in Dubai. It is alleged that the petitioner-accused entered the house after scaling over the wall at 12:00 noon on the day of incident. Thereafter, he gave beatings and forcibly raped her. It is alleged that the accused has been chasing her for the last 5 years.

Learned counsel, representing the petitioner while referring to Annexure P-4, the alleged communications between the petitioner and the first informant, submits that they were having a long standing relationship and therefore the allegations made in the FIR are factually incorrect as she has never made any complaint either to the police or to the Panchayat in this

regard. In fact, he submits that the injuries suffered by the prosecutrix are a result of the beatings given to her by her brother-in-law.

The learned Additional Sessions Judge in the order has extracted the injuries described in the medico-legal report, which is extracted as under:-

Location of injury	Injury details	Marked	Injury number
Abdomen	Multiple abrasions and contusions at various sites	Yes	5
Face	Multiple abrasions on face-bridge of nose, left cheek, right aspect of lip. Fresh bleeding and swelling present	Yes	1
Neck	Abrasions	Yes	2
Others	Multiple abrasions and contusions on perineum, labia. No external bleeding or swelling. No sign of bleeding or discharge per vaginum. Adnexa normal.	Yes	8
Thighs, legs and Fet-left	Left-Multiple abrasions and contusions on inner aspect of thighs	Yes	7
Thighs. Legs and Feet-right	Right-Multiple abrasions and contusions on inner aspect of thighs	Yes	6
Wrist, Forearms and hand-left	Left-Multiple abrasions and contusions at various sites	Yes	4
Wrist, Forearms and hand-right	Right-Multiple abrasions and contusions at various sites	Yes	3

Be that as it may, the prosecutrix has a right to refuse to have sexual relation at any time and the petitioner has no right to use force.

Keeping in view the aforesaid facts, this Bench is not inclined to grant the concession of pre-arrest bail to the petitioner in the facts and circumstances of the present case.

Dismissed.

May 27, 2021
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(ANIL KSHETARPAL)
JUDGE

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