

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-23085-2021 (O&M)
Decided on : 29.09.2021

Jagseer Singh @ Seeru

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajbir Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

CRM-31012-2021

This is an application under Section 482 Cr.PC for addition of newly added Section 3(2)(V) of SC/ST (Prevention of Atrocities) Act, 1989 in the prayer clause of the petition, which has been added by the police vide G.D. No.34 dated 16.08.2021 (Annexure P-8).

After hearing learned counsel for the applicant and perusing the paper book, application is allowed and Section 3(2)(V) of SC/ST Act is directed to be added in the prayer clause of the petition.

Registry is directed to make necessary corrections in the prayer clause of the present petition.

Main case

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.18 dated 25.04.2021 under Sections 376/120-B IPC 1860 and Section 3(2)(V) of SC/ST Act registered at Police Station Mehal Kalan District Barnala.

Learned counsel for the petitioner states that the petitioner has since joined the investigation in compliance of order dated 15.06.2021,

which was passed in the following terms:

“Contends that the delay of 07 days in registration of the FIR subsequent to the alleged crime leaves no manner of doubt that a fabricated version has been brought forth by the prosecutrix against the petitioner that she was forcibly dragged inside one of the rooms of the house of co-accused and thereafter violated by the petitioner. Still further contends that in fact there was a history of animosity between the families of the petitioner and the prosecutrix which finds credence from a complaint dated 23.4.2021 (Annexure P-3) made by the husband of the prosecutrix just 02 days prior to the registration of the FIR in question against his own wife, petitioner and co-accused Jeewan Kaur wherein he alleged that they all in connivance with each other had been encouraging the illicit relations between the prosecutrix and the petitioner. It has therefore been contended that it is clearly discernible that in fact it was a case of consensual relationship between the petitioner and the prosecutrix and it was only subsequently due to family pressure that the prosecutrix had been compelled to lodge this false case against the petitioner.”

Learned State counsel on instructions from SI Satpal Singh states that the petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, the petition is allowed and interim order dated 15.06.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

29.09.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No